GEORGE VICTOR TOWNLEY.

RETURN to an Address of the Honourable The House of Commons, dated 5 February 1864;—*for*,

COPY of CORRESPONDENCE with the Secretary of State for the Home Department, and of ORDERS or WARRANTS issued by him, relating to the Case of *George Victor Townley*."

Whitehall, February 1864. } H. WADDINGTON.

No. 1.

Mr. Evans, M.P., *to* Sir *G. Grey*.

Sir, Derby, Jan. 7, 1864.

As Chairman of the Quarter Sessions for this county, I am requested by the Court to forward to you the accompanying document, and to request that it may receive that consideration and action which its serious importance requires.

I have, &c.
(signed) *J. W. Evans.*

Enclosure in No. 1.

To the Right Honourable Sir *George Grey*, Baronet, M.P., Her Majesty's Principal Secretary of State for the Home Department.

Sir, Derby, 5 January 1864.

WE, the undersigned, magistrates of the county of Derby, beg to represent to you that, in our judgment, shared largely by the public, the circumstances under which George Victor Townley, who, at the late assizes for this county, was convicted of and condemned for the murder of Miss Goodwin, has been respited on the allegation of his insanity, have not been and ought now to be fully and publicly inquired into.

It appears by Townley's undisputed voluntary statement immediately after the murder, that he committed the act deliberately, with full knowledge that he was thereby violating the law, and had rendered himself liable to be, and expected to be, capitally punished. He declared to Captain Goodwin that "the woman who deceived him must die." He alleged that Miss Goodwin did deceive him, and he put her to death. It was not the blind and furious impulse of a lunatic, but a deliberate act, fulfilling a predetermined resolve. He showed the exercise of reason in his endeavour to prevail with Miss Goodwin; but, failing in his object, he avenged his disappointment by her death. His family treated him as sane. Neither the surgeon nor the governor of the gaol in any of their reports to the visiting justices state him to be insane, as it was their duty to do if they had so regarded him.

The learned Judge observed, that "if the defence of insanity set up for him at the trial was to prevail, it would be dangerous to society."

It is alleged that he has since become insane. A Commission was sent down by you to inquire into his sanity. Subsequently to the inquiry by those Commissioners, another inquiry was made by two magistrates, aided by two medical men. That inquiry did not, like all previous inquiries of the same kind, originate with the gaol authorities, who would have acted officially and without bias, and would have committed the inquiry to those not likely to be biassed, by act or position, but was promoted and conducted as a matter of professional business by Townley's legal adviser. The value of that inquiry can only be estimated by a full and open investigation into its origin and conduct. This appears to us to be imperatively called for.

The result of these private proceedings has been a respite of Townley, and an order for his removal to a lunatic asylum. The effect has been to cause much dissatisfaction, to create a feeling, greatly to be lamented, that there is one law for the rich and another for the poor, that justice has been turned aside by the power of money, and that if Townley and his friends had been poor, he would have been executed.

The inquiry by the Commissioners is open to grave objections.

It was one-sided and incomplete;

Townley's professional advisers and friends were heard, and they have acted with all the energy and effect which money produces. The other side, the prosecutor, has not been heard, nor was the public interest adequately represented in the inquiry;

It was private;

The witnesses were, we believe, not sworn;

No opportunity was afforded to the prosecutor of cross-examining the witnesses, and they knew it would be so;

Nor of contradicting or explaining their testimony or opinions by other evidence.

In this and other like cases, the prisoner has been tried by judge and jury acting under the sanction of an oath, aided by counsel employed on both sides, witnesses examined and cross-examined all in open Court. We think that respect for trial by jury in criminal cases, and confidence in the pure administration of justice, will be seriously weakened if a verdict and sentence, following such a fair and solemn public trial, may in this or any other criminal case be interfered with by any inquiry less public and complete than the trial itself.

We therefore most earnestly urge upon you the propriety and necessity of abstaining from further acting upon this private and *ex parte* information, and of causing a full inquiry to be made into Townley's state of mind, and the inquiry before referred to, by some responsible authority, and in as public, fair, and complete a manner as criminal trials are conducted.

We have, &c.

(signed)

T. W. Evans, Chairman,
Henry J. Wilmot,
H. Seymour Blane,
E. Wilmot,
W. Mundy,
J. Goodwin Johnson,
Gladwin Turbull,
L. E. Mann,
J. G. Crompton,
Edwd. A. Holden,
Charles Edmd. Newton,
G. S. Chandos Pole,
Horace Devas,
John Broadhurst,
Scarsdale,
Francis Bradshaw, jun.,
Henry Wilmot,
E. Coke,
T. Peach,
J. Wylles, C.B.,
Edward Radford,
C. R. Colvile,
R. W. M. Nesfield,
James Heygate, M.D., F.R.S,
Thomas Osborne Bateman,
N. C. Curzon,
Waterpark,
Charles S. Holden,
Walter Evans,
George Henry Strutt,
Reginald Darwin,
Rowland Smith,
James Milnes,
Henry W. Walthall,
E. W. Wilmot,
Ashton Mosley,
F. Noel Mundy,
M. Mundy,
John B. Story, jun.,
Albert F. Hurt,
Thos. Wm. Rodgers,
G. Ward Fox,
B. R. E. Mosley,
Oswald Mosley.

No. 2.

Mr. *Waddington* to Mr. *Evans*, M. P.

Sir, Whitehall, 8 January 1864.

I AM directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 7th instant, transmitting a letter addressed to him by magistrates of the county of Derby whose signatures are attached to it.

Sir George Grey has read that letter with the attention to which both the importance of the subject it refers to and the persons from whom it proceeds justly entitle it.

In order to place the magistrates in full possession of the proceedings which have taken place with reference to the case of George Victor Townley, a copy of the correspondence between this Office and the Lunacy Commissioners, together with two certificates of Townley's insanity received by the Secretary of State, and of the order for the removal of the prisoner to Bethlem Hospital, under the provisions of the statute 3 & 4 Vict., cap. 54, sec. 1, will be transmitted to you as soon as it can be prepared.

The

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Shri Brihad Bhartiya Samaj
on 24 February, 2020

The magistrates will learn from this correspondence that it was in consequence of the information conveyed to the Secretary of State by the learned judge before whom the prisoner was tried that, in his opinion, a further inquiry as to the sanity of the prisoner was necessary, that the Lunacy Commissioners were requested by the Secretary of State to undertake the inquiry. Sir George Grey feels that it was impossible to refuse an inquiry so strongly recommended by the judge; and he is not aware that, under the circumstances of the case, he could have entrusted the inquiry to more able or responsible persons, or to persons likely to conduct it with greater impartiality and freedom from any preconceived opinion or doubtful theories. The Commissioners' Report is among the papers which will be sent you, with the least possible delay; but the Secretary of State was not called upon to decide, on that report alone, whether the sentence of the law ought to be executed or not; because, at the same time that he received it, he received also a certificate, dated 27th December, signed by three justices of the peace (one for the county and two for the borough of Derby) and two medical men, stating, in the terms required by law, that they had examined and inquired into the mental state of the prisoner, and certifying that he was insane. This was followed by a certificate to the same effect, dated the 29th December, and signed by two justices of the peace for the county of Derby (one of them being the same who had signed the former certificate) and the same two medical men. Copies of these certificates are also among the papers which will sent to you. Upon these certificates from four justices of the peace and two medical practitioners, the prisoner, in accordance with the construction which has been uniformly placed on the section of the Act before mentioned, was ordered to be removed to Bethlem Hospital, the capital sentence being respited, but not commuted.

The magistrates, in their letter of the 5th instant, say, with reference to the inquiry made by two magistrates, aided by two medical men, that that inquiry did not, like all previous inquiries of the same kind, originate with the gaol authorities, but was promoted and conducted as a matter of professional business by Townley's legal adviser. Sir George Grey had no previous information that this was the case, nor could he be in any way responsible for any irregularity, if irregularity there was in the proceedings. No person other than a magistrate could be admitted to examine the prisoner, or to inquire into his mental state without the sanction of the visiting justices or of the Secretary of State: and as the visiting justices must, therefore, have been aware of the proceeding, and as no communication on the subject was received from them at the time, or has been received from them up to the present time by the Secretary of State, he could only presume that what was done was done with their knowledge and sanction. So far, however, as it concerned the steps to be taken by the Secretary of State, in conformity with the law on the receipt of such a certificate, it was immaterial how the inquiry originated, provided the certificate was in accordance with the provisions of the statute.

There is one other passage in the letter from the magistrates to which Sir George Grey thinks it right to refer. They say that the effect of the respite of Townley, and of his removal to a lunatic asylum, "has been to cause much dissatisfaction, and to create a feeling, greatly to be lamented, that there is one law for the rich and another for the poor; that justice has been turned aside by the power of money; and that if Townley and his friends had been poor he would have been executed." The magistrates may possess information as to the expenditure of money by Townley's friends of which the Secretary of State has no knowledge; nor is he aware of the manner in which the magistrates believe such money to have been expended. But the most satisfactory proof which can be given that the course taken with regard to Townley is one which it required no expenditure of money to obtain, and which would have been equally taken had Townley and his friends been poor, is a reference to a similar case which occurred at the Spring Assizes held at Newcastle-upon-Tyne in 1862, when a man named Clark, himself a poor man, and with no friends who were not also poor, and in whose defence no counsel ever was retained, was convicted of wilful murder and sentenced to death. In that case, as in the case of Townley, the learned judge before whom Clark was tried, in reporting the case to the Secretary of State, expressed his opinion that the verdict was right, but called the attention of the Secretary of State to the evidence as to the unsound state of mind of the prisoner at the time of the trial, as having, to use his own words, "so intensely important a bearing upon the question whether he ought to be executed." In conse-

quence of this representation from the Judge, an inquiry as to the sanity of the prisoner was directed by the Secretary of State; and the result in that case, as in the present, was his removal to a lunatic asylum.

Sir George Grey trusts that this statement will tend to remove the impression which the magistrates say exists, and which they appear to have shared, that a similar course under similar circumstances would not be adopted in the case of a poor man as in the case of one whose friends had the power of expending money in his behalf.

I am, &c.
(signed) *H. Waddington.*

No. 3.

Mr. *Waddington* to Mr. *Evans*, M.P.

Sir, Whitehall, 13 January 1864.

With reference to my letter of the 8th instant, I am directed by Secretary Sir George Grey to transmit to you the copy of the correspondence therein referred in the case of George Victor Townley.

I am, &c.
(signed) *H. Waddington.*

Enclosure 1 in No. 3.

Mr. *Waddington* to the Secretary to the Commissioners in Lunacy.

Sir, Whitehall, 23 December 1863.

I am directed by Secretary Sir George Grey to request that you will lay before the Commissioners in Lunacy the enclosed papers in the case of George Victor Townley, now under sentence of death for murder.

Sir George Grey is of opinion that the verdict of the jury, in which Mr. Baron Martin who presided at the trial concurs, and which appears to Sir George Grey from the evidence to have been right, decides the question as to the sanity of the prisoner at the time when the crime was committed. The only question, therefore, on which any doubt exists, and upon which, in the opinion of the Judge, there ought to be further inquiry, is, whether the prisoner is now insane.

It is to be regretted that this question was not raised before the trial, when it could have been submitted to a jury; but, under the actual circumstances, Sir George Grey requests that the Commissioners in Lunacy, will be so good as to undertake the inquiry recommended by Mr. Baron Martin, and report to me their opinion, for his information, whether or not the prisoner is at the present time of unsound mind.

The papers sent herewith comprise two letters from the learned Judge, with Sir George Grey's reply to the former of them, the notes of evidence taken at the trial, including the evidence of Dr. Forbes Winslow and Dr. Gisburn, and a series of applications from various persons to whom the prisoner is known, and who are able to speak as to the state of his mind before or since the commission of the murder.

I am to add that the prisoner's execution is fixed for the 31st December instant.

I am, &c.
(signed) *H. Waddington.*

Enclosure 2 in No. 3.

[r. Baron *Martin* to Sir *G. Grey.*

Sir, Nottingham, 13 December 1863.

George Victor Townley was convicted yesterday before me at Derby of murder, and sentenced to be executed. I have directed a copy of my notes to be made for you, should you desire to have it, but there is a full report of the trial in the newspapers. The conviction was, in my opinion, right; but Mr. Forbes Winslow and Dr. Gisburn were examined at the trial, and both deposed in the strongest manner that the prisoner is now of diseased mind and absolutely insane. I think it right to call your attention at once to the subject, with a view to a correct opinion being formed as to the propriety of his execution.

I have, &c.
(signed) *Samuel Martin.*

Enclosure 3 in No. 3.

Mr. *Bruce* to Mr. Baron *Martin*.

Sir, Whitehall, 17 December 1863.

I AM directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 13th instant, in the case of George Victor Townley, convicted before you, at Derby, of murder; and I am to request that you will be so good as to inform Sir George Grey whether the impression produced on your own mind by the evidence of the two medical men examined at the trial, coupled with the demeanour of the prisoner, was such as to induce you to believe that the prisoner is now insane, or that there is so much reason to believe him so as to call for further inquiry, as the report of the evidence in the "Times," which you refer in your letter, does not appear to Sir George Grey to be by any means exclusive.

I am, &c.
(signed) *H. A. Bruce.*

Enclosure 4 in No. 3.

Mr. Baron *Martin* to Mr. *Bruce*, M.P.

Sir, Norwich, 18 December 1863.

I HAVE received your letter of the 17th instant, requesting me to inform Sir George Grey whether the impression produced on my mind by the evidence of the two medical witnesses on the trial of George Victor Townley, coupled with the demeanour of the prisoner, was such as to induce me to believe that the prisoner is now insane, or that there is such reason to believe him so as to call for further inquiry. I cannot say that I have formed any decided opinion upon the point. The demeanour of the prisoner afforded me no means of arriving at one. He sat during the trial with his head depressed; I scarcely once saw his countenance, and he never spoke. I would not be justified in saying that the evidence of Mr. Forbes Winslow and Dr. Gisburn is not correct; but I certainly think, and have thought ever since the trial, that there ought to be further inquiry.

I enclose a copy of my notes of the evidence. You will find that of Dr. Winslow and Dr. Gisburn at page 25 and following pages.

I am, &c.
(signed) *Samuel Martin.*

Enclosure 5 in No. 3.

Winter Special Commission, Derby, 11 December 1863.

The Queen *v.* George Victor Townley, for Murder.

Mr. *Bowden* and Mr. *Bristowe*, for prosecution.

Mr. *Macaulay*, Mr. Sergeant *O'Brien*, and Mr. *Stephen* for defence.

Jane Agnes Goodwin.—The deceased Elizabeth Caroline Goodwin was my daughter. She was granddaughter of Captain Goodwin. I live at Chester. She went to live at Captain Goodwin's four years ago. She had been on a visit to her uncle Dr. Goodwin, at Manchester. She had formed an acquaintance with the Townley family, including the prisoner. There was an engagement between her and the prisoner. It was once or twice broken off, but subsisted, I believe, up to August last. Objections were raised by me to the engagement. I went to Wigwell Hall on the Thursday following the death. I found this letter in the drawing-room, in a drawer of the inkstand. The letter in an envelope is the writing of the deceased. The others are in the writing of the prisoner. There was also a telegram.

Cross-examined.—I was acquainted with the prisoner's father and mother. They visited me at Chester. Mrs. Townley, and Miss Townley, and the prisoner visited me at Chester. It was four years ago. Miss Townley did not visit me last spring. The prisoner visited me in May. She staid a fortnight. The prisoner, I suppose, was most strongly attached to the deceased. I made the acquaintance of the Townley family by visiting at Dr. Goodwin's. They were very intimate then. I visited at Mr. Townley's house. I stayed there for some time about two years ago. The prisoner, I thought, had very quiet refined manners. He was a good linguist, and accomplished in music. I have met Miss Bourne, a relation of his. These letters are, one my writing, the other the writing of deceased. My daughter was at home upon his visiting at my house last May. I think the attachment between them was as strong as possible at and after that visit. This

letter is in the writing of the prisoner. I found these letters in the inkstand accidentally. I gave them to Captain Goodwin. They are all I found. I did not see any letters from my daughter to the prisoner, except what has been produced.

Re-examined.—Nothing had been stated in particular as to his condition of mind. I did not consider him a good-tempered man. The deceased was 23 years of age. The prisoner's age is 25.

Ann Burley.—I am a widow. I live at the Bull's Head Inn, Whatstandwell Bridge. It is near the station. It is about two and a half miles from Wigwell Hall (Captain Goodwin's). The prisoner came to my house on Friday, 21st August 1863. He came about 11 a.m. He asked if there was a note for him. I said not. He asked for a glass of brandy and water. He then went out and returned. He asked me if he could have a bed. I said, yes. He said he was not quite sure if he would come. I said I could make it up in a few minutes. He left a carpet bag with me and went away. He had another glass of brandy and water, into which he put a pill. He had two sixpennyworths of brandy.

Herbert Harris.—I live at Wirksworth. I keep the grammar school there. Wigwell Hall is about one mile and a half from Wirksworth. I was on visiting terms with Captain Goodwin. Wigwell Hall is between Wirksworth and Whatstandwell station. I knew the deceased very well. 21st August, the prisoner came to my house. It was between half past 1 and 2 p.m. I had seen him once before. He said, "I have called upon you, as a friend of Miss Goodwin; I suppose you know there is an engagement between us." I said, "I am not aware there is." I said, "I understood there had been one, but it had been broken off." The prisoner said, "She has written to me to break off the engagement and declines to see me. I want to know how matters stand." I said, "Anything I know is in confidence, and therefore I cannot satisfy you." The prisoner said, "I will find it out somehow or other." He then asked who was the clergyman who was staying at Wigwell. I said, "There has been a clergyman staying at Wigwell, but I decline to give his name." There had been a clergyman staying at Wigwell about three weeks or a month before this. I had been told of an engagement between the clergyman and Miss Goodwin. He inquired if Miss Goodwin was then at Wigwell, and I said she was. He asked if I thought any coercion had been used towards her. I said, "None that I was aware of." He then said, "Sooner or later I must see her. I have written to relieve her from the engagement, but I must hear from herself that she gives it up; she is of age, she is quite at liberty to please herself; I know I am not a good match, and I have no wish to stand in her way." It was then near 2 p.m. I told him I must leave him, and that if he liked to call at half-past 4, I would see him again. He then left the room with me, and we then parted. I saw him again at half-past 4. I told him I thought the best course was to write a note to Miss Goodwin, and send it by post, requesting her to see him in the morning. He said he had already written without effect. I then said, "Perhaps, if you call at the house she will see you." He said he would do so, and get it off his mind. As he was leaving, I asked him if I should see him again. He said, "Shall you be in all the evening?" I said yes. He said he would call again. He did not call again. He was perfectly calm and collected; his manner was that of an ordinary man. There was nothing particular to attract my attention.

Cross-examined.—I had seen him once before; it was at Chester. I am not certain to a week as to the time the clergyman was there. I think it was after Mr. Goodwin went to Buxton. The clergyman came on Thursday, went on Friday, returned on Saturday, and went on Monday. He preached for me on Sunday afternoon. The circumstance of Captain Goodwin going to Buxton made no impression upon me. I was told by Miss Goodwin on the Wednesday before her death of the engagement with the clergyman.

Margaret Poyser.—I am housemaid at Wigwell Hall; Friday, 21st August, the prisoner came there 10 minutes to 6 p.m. I opened the door. He asked was Miss Goodwin at home. I said yes. He asked if he could see her. I went to her in the drawing-room; I then showed the prisoner in. She met him at the drawing-room door. They went down the walk together in about two minutes. They went to a seat in the pleasure garden. I remained in the house. Some time after I went into the garden; it was half an hour afterwards. I saw them sitting down upon the seat. I told Miss Goodwin she was wanted. She came alone to the house. She remained in the house some time, and read the newspaper to the Captain. She remained in the house until a quarter to 7. I went out at half-past 7. She was at the same place with the prisoner, sitting on the seat. I told her tea was ready; she said, I am coming directly; I returned and left them. I did not see her again alive. She was brought to the house at 20 minutes to 9. She was dead. I have been at Wigwell Hall five years last August. I have seen the prisoner there before. I saw him last about the Christmas before. He was staying in the house. He came on Saturday and left on Thursday or Friday. This was the only time I had seen him there. I observed nothing particular about him. His manner was just the same as before; I noticed no difference. This is the shawl Miss Goodwin had on.

Thomas Biddulph.—I am a miller. 21st August I was coming up Wigwell Mill-lane about half past 6 to 7 p.m. It was into the turnpike road. I saw one person, a man. He looked down the lane. I saw a woman. They were walking towards Wirksworth. I knew the woman to be Miss Goodwin. I overtook them and passed them. I looked back

several

several times. I had a cart with me. I saw them stop when I was about 50 yards past them. She turned round towards the gentleman; he had his back to Wigwell Hall. It was further towards Wirksworth than the corner of the lane by 30 or 40 yards. It was at the end of the plating. I heard nothing said. As I passed I heard Miss Goodwin say it was a quarter to nine.

Reuben Conway.—I am a labourer. Friday, 21st of August, I was going towards Offerton on the turnpike road; it was between 8 or 9 o'clock p.m. when I got up. I met a man with a cart. I went on towards Wigwell-lane End. I heard a moaning noise from down the road between the lane end and where I was. I ran forward. I saw Miss Goodwin guiding herself along the wall; she was coming towards Wigwell Hall. I went to her; her face was all over blood, and it was all down her dress; she asked me to take her home; she said there was a gentleman down there who had been murdering her. I had not seen any one there. I put my arm round her and led her about 20 yards; she asked me if I could see the gentleman. I looked down the road and saw some one. I looked towards Wigwell-lane End; I know the Hunting-gate; it is nearer Wigwell-lane End than the hall. the man was crossing the road when I first saw him. I kept looking at him, and he came towards me. It was about 40 yards or more from the Hunting-gate, towards Offerton. I went towards him. I asked him who had been murdering Miss Goodwin. He said he had stabbed her. The prisoner is the man. I asked him if he would go and help me. He came with me to Miss Goodwin. He took hold of her head; I took hold of her body. We carried her towards Wigwell. He called her "poor Bessy" several times. He said, "You should not have proved false to me." We laid her down at Willey Bottom's gate. The prisoner began putting something round her neck. He asked me if I had anything to put round her neck to stop the bleeding. I said I had not. He asked me if I could go and get any one to help. I asked him if he would stop with her. He said he would. I went for help, and left her with him. I was away, I cannot say how long—four or five minutes, I think. When I got back I found them where I had left them. He was holding something round her neck. I asked him if she was living. He said she was. She said, "Take me home." We carried her on. Two men called Seeds came up. One of them spoke to the prisoner. He asked who had done it. The prisoner said, "I have done it." We all then carried her. We met my uncle, James Conway. He wanted to know who had done it. The prisoner said, "I know, and he knows: I am the man who has done it, and I shall be hanged for it." She said she was dying upon the way. We carried her further up and met Mr. Bonner. He wanted to know who had done it. The prisoner said, "I have done it, there is no question of that now." We carried her further; he then said, he was afraid she was dead. He knelt down and kissed her. She was then dead. We went on to the hall gate; we there met Captain Goodwin and Ann Poyser. Captain Goodwin asked what we had amiss. The prisoner answered, "It is your granddaughter, Betsey, murdered." He wanted to know who had done it; the prisoner said, "I have done it." The Captain asked who he was. The prisoner said, "George Townley." It was dark; towards dusk at the time, not particularly dark. I helped to take the body into the kitchen. Captain Goodwin then asked the prisoner whatever made him do it. He said, "She has deceived me, and the woman who deceives me must die." The prisoner went into the drawing-room with Captain Goodwin, and I saw him no more.

Ann Poyser.—I am housekeeper to Captain Goodwin. I went with Captain Goodwin and saw the body brought to the house. I found this letter on Miss Goodwin's dressing-table the same night. I had seen the prisoner at Christmas, but not upon this day.

Newton Mant.—I am a physician and surgeon at Wirksworth. I went to Wigwell Hall on this evening, and saw the body of Miss Goodwin. She was dead. I examined the wounds in the neck. There were three wounds upon the right side of the neck. One a stab below the right ear; the second a stab in front, superficial. The third was a cut three inches long, and extending within half an inch of the chin; the back part of it appeared to have been produced by a stab, directed downwards and backwards, the edge of the instrument being directed downwards. The carotid artery and jugular vein were severed by the long wound. The stab behind the ear would not have produced death. This caused the death. This knife would have made the wounds. I saw the prisoner that night, in the drawing-room; he was perfectly calm.

Cross-examined.—I then saw him for the first time. There was some tea there. I sat down 10 or 15 minutes, until the police came; I spoke. Captain Goodwin was talking when I went into the room. He did not speak much after.

Francis G. Goodwin.—I am grandfather of the deceased. She had lived with me upwards of two years. I went to the gate soon after 8 p.m. I met the prisoner carrying the body of my granddaughter. I asked what was the matter. I asked the prisoner afterwards, in the house, what caused him to do this dreadful deed. He gave me no direct answer. He said directly, "I shall be hanged." He said, "The woman who deceives me shall die." He said afterwards, in another room, "I told her I would kill her." He also said, "She knew my temper." He said, "I had the means two months ago and I have the means at the present time." He took out two packets of letters. He said he expected all the things he had would be taken from him; would I take charge of them? He offered me some money and his watch. I declined to take them. He then produced the two packets of letters. He said, "Will you take care of them? You may

read them through and do what you please with them. The last words he said to me were, "I do not wish them to be brought into court." I kept them for two days and then burned them. I did not read a line of them. I believe the one I saw the writing of was in my grand-daughter's handwriting. She wrote all my letters for the last two years. I know very little of him; indeed I may say nothing of him. I did not know of any positive engagement between him and the deceased. He seemed in a state of the greatest indifference on the night of the 21st August. I observed a little excitement just before he gave me the letters. I asked him into the drawing-room to tea. There was great excitement amongst the women in the kitchen. He remained until the constable came.

Cross-examined.—He remained twenty minutes to half an hour in the drawing-room. I knew of the engagement from my eldest son, Dr. Goodwin, and that it was broken off. This was two years ago. He was introduced to my house. There were from eight to ten letters in the package.

Charles Parnham.—I am a policeman. I went to Wigwell Hall on Friday, August 21st. I got there at 10 p.m. I found the prisoner in the drawing-room. He came forward and said, "I wish to give myself up for murdering the young lady." I said, "I think it my duty to caution you." I said, "Are you aware of the nature of the charge you are giving yourself up for?" He said, "Yes, quite so. I will go with you quietly; only let me see her first." I said, "What have you done with the instrument or knife you committed the deed with?" He gave me this knife. I now produce it. He took it from his right-hand waistcoat pocket. It was wet with blood. I took him to see the body lying in the kitchen. He looked at it steadfastly, but did not speak. I took him away to the station. He said on the road, "I am far happier now I have done it than I was before. and I trust she is." I searched him. I found two other knives upon him; small penknives. The next morning I asked him about a shawl. He said, "Where I turned last I saw a shawl upon the road, and threw it over the wall." I received the shawl from Joseph Conway afterwards. I examined the place, near the end of Wigwell-lane. I found some blood upon the ground at the corner. It was a smallish pool, not large. I went on towards Wigwell, as far as the Hunting Gate. It was over 200 yards. There was another pool of blood. There had been a great quantity, but many people had been there. I looked, but did not find any between the two places.

Cross-examined (read the deposition of the witness:)—There were marks of cutting upon a gate on the other side of the road. Letters:—Sunday, prisoner to deceased; Monday, same to same; Wednesday, same to same; Wednesday, deceased to prisoner. A telegram from Mrs. Townley to prisoner.

Mr. *Macaulay* addressed the jury for defence, and called,—

Emma Marsland.—I am aunt of the prisoner and sister of his mother. I have known the prisoner all his life. His disposition has been extremely gentle, very affectionate, and very humane. I had an aunt mad—Mary Marsland. She was a sister of prisoner's grandfather. She destroyed herself. She was supposed to be insane. I knew Gilbert Ainsworth. He was first cousin, one remove from prisoner's grandfather. He had been confined for a number of years in a lunatic asylum. My mother's name was Eliza Bourne. I did not observe any symptoms of insanity in her. My mother had a brother called Titus Bourne. He had 10 children. Five of them were insane. Two of them were confined in a lunatic asylum. There was another brother, called John H. Bourne. He had six children. One has been insane. He was in a lunatic asylum. He is now living. He is not in a lunatic asylum now. I had not seen the prisoner after he had seen the letters from Miss Goodwin. I saw him last on the 3d August.

Cross-examined.—He was subject to fits of ill-temper. I lived at his mother's with him. He was not an ill-tempered boy generally. He had occasionally fits of ill-temper. He had never been in business for himself. He had never been twice in an office. I only know from hearsay of her, Mary Marsland, having destroyed herself. After she had done so she was said to be insane.

William B. Marsland.—I am a clergyman, and brother of the last witness. Several children of my mother's brother were insane. Some children of another uncle were also insane. I know but little of prisoner. His character was singularly gentle and humane, so far as I know.

Cross-examined.—I had an opportunity of observing him from time to time.

Mary Townley—I am the mother of the prisoner. I was married in June 1837. I had three children. The prisoner is the eldest. His character has been that of exceeding gentleness, kindness, and of humanity. He displayed a very poor capacity for business pursuits. He was twice in business houses for a short time. He did not continue in them. He had considerable accomplishments in music and languages. He had no stated pursuits in August last. I was aware of his engagement with Miss Goodwin. It was first formed at the end of 1859. It continued until 1861, and was then interrupted. It was renewed early in 1862. I received this letter from Miss Goodwin in March 1861. [Letter 3d March 1861-62. The deceased to witness.] I saw what terms they were upon as to mutual affection at the very first of the engagement. They were at the first upon most affectionate terms. During the latter part my son's feelings towards her

were

were most affectionate. On the 9th August my son went on a visit to Mr. Arrowsmith at Bolton. A letter came to my son, addressed to our house, upon the 11th. I forwarded the letter to him at Manchester. It was returned by him to my daughter. I cannot say whether I saw my daughter return it to him. I noticed its contents: it spoke of a clergyman; the most delightful man she had ever seen in her life. She said: "He had been staying at Wigwell, and her grandfather though the would just suit her; but this would not do." I did not see him until the Saturday afterwards. The letter ended, "Yours affectionately." I have seen other letters. They ended differently, with more endearing expressions. I saw him upon Saturday, the 15th August. He returned in company with Mr. Arrowsmith. Other letters were waiting for him from Miss Goodwin. I read that letter. It stated that she had a good deal to say to him, and it had better be said at once. She said her grandfather had found out that they corresponded, and that he was wild that there was anything in the way. That she wanted him to release her, that she might have it to say she was free. She said: "Don't take this too hardly, in pity for me." There was a postscript: "I shall not marry if I can help it." It was signed "Yours sincerely." The letter seemed to turn the prisoner's head. He appeared in such an excited suppressed state of feeling that I asked his friend Mr. Arrowsmith to sit up with him. His manner was usually reserved. He was under of strong feeling. He went to his own room after I went to bed. I went to bed about 11 o'clock. I left the prisoner in the drawing-room with Mr. Arrowsmith. My husband was at Harrogate. My daughter slept with me. Mr. Arrowsmith came to my room at 4 a.m. I went to see the prisoner. I found him at the door of his bed-room. He appeared very excited, but extremely calm. I could see he had not been in bed. I stayed with him a few minutes. I returned to my own bed. I could hear him walking up and down until I went to sleep. He eat nothing after he received the letter. He was not at home to dinner. Sunday, 16th, he was down before 9 a.m. He only took a little tea and brandy. He remained at home and took a walk to town. He took very little at dinner. On the Sunday evening he wrote a letter to Miss Goodwin. He took a much longer time to write it than usual. He appeared nervous and excited whilst writing it. Mr. Arrowsmith sat with him whilst he wrote it. I went to bed at 11 o'clock. He came to my room to wish me good night. Monday, 17th, he came down about 9 and lay upon the sofa. He appeared very restless. I noticed that his hands and feet had nervous twitchings. I advised some morphia to him—an eighth of a grain. He lay upon the sofa until dinner time—about half-past one. He took no dinner. He wrote another letter after dinner to Miss Goodwin. He asked one of us to stay with him after dinner. I saw part of the letter. He had a little difficulty in finding words now and then. In addressing the letter on Sunday he was so nervous he spoiled several envelopes and tore them up. Tuesday, 18th August, we came down to breakfast. I don't remember that he took any. He did not appear to have had any night's rest. After breakfast he had to give a French lesson, and went to town. In the afternoon he went with Mr. Arrowsmith to Bolton. I noticed that when he came in he complained of a violent perspiration. He said he hoped he was not going to have an illness. After he went to Bolton a letter came from Miss Goodwin. It was on the Thursday morning. I opened it and read it, and sent the telegram which has been read. He returned from Bolton. The letter was the one telling him not to come. I met him at the station with my daughter. He then showed me a letter which he had received from Miss Goodwin. It stated that if he wished to see her he was to go to the Midland Hotel at Derby, and would find a note there for him. The letter towards the end stated "she would rather he would not come, but if he did he should find the note." There was a postcript: "After all, you had better come," and she gave the times of the trains. We had a consultation at the station. We finally fixed he had better go to Derby. The reading of the letter distressed him evidently. I could see that he was dreadfully upset, but he always kept quiet. He went home with us from the station, in order to make preparations for going. I offered him food. He would not take any. This was the last I saw of him. His manner was different from people in general; he was reserved, but excited. I noticed an excited manner in him. I speak of his natural manner during all his life. He was only excited on occasions. I observed a change in his ordinary manner after this letter. I should say there was a suppression of deep feeling. An objection, I believe, was made when I was married on the ground of insanity being in the family.

Cross-examined.—He wrote the letter, and without assistance. Some one sat with him whilst he wrote.

Catherine Townley.—I am sister to the prisoner. I was intimately acquainted with Miss Goodwin. She corresponded with me. I was familiar with the engagement between them. He was on particular terms of confidence with me. I visited Wigwell last Christmas. I remained three weeks. The prisoner took me there, and remained three days. In May the prisoner visited at her mother's at Chester. She came and stayed with us afterwards four or five days. The affection was then as strong as it ever had been. He did not see her again until August: 12th August the prisoner sent me a letter he had received from her. It mentioned the clergyman. She said, "Grandfather thought it would just do, but she thought it would not suit." He received a letter on Saturday, 15th August. He showed it to me. He said nothing. The letter asked him to release her, that she might be able to say she was free; that her grandfather was wild that anything should stand in the way. It completely upset him. Mr. Arrowsmith was at our house. He sat up with the prisoner. He eat very little breakfast on Sunday.

He was very much distressed. I was out much on Sunday on my own business. He was very low and depressed. I took him by the arm and tried to comfort him. I advised writing the letter on Monday. He used no terms of resentment to her in the least. A Mr. W—— dined with us on Sunday. I believe something was then said about the prisoner going abroad. Tuesday he went to Bolton. He came back in consequence of the telegram. We met him at the station. We named the letter he had had at Bolton and the one which we had received. We recommended him to go to Derby. There was no expression of resentment towards her used. I pressed him to take some food. He refused to take it.

Cross-examined.—He went to Derby at half-past one. I hoped the deceased would change her mind. It appeared to me she might be in a doubtful state of mind. He wished to go in order to induce her to change her determination.

Re-examined.—I thought she was under some coercion on the part of her relations.

Washington Arrowsmith.—I live at Bolton. I and the prisoner have been on terms of intimacy and friendship. He was on a visit to me on the 9th August. Tuesday, 11th, we came to Manchester. He was then in his usual spirits. I saw him again. He was not in the same spirits. Upon the same day afterwards he showed me the letter about the clergyman. He appeared very much depressed. He with me on the Tuesday. He remained until the Saturday following. I remained at Mrs. Townley's that night. He was more depressed after the second letter. Mrs. Townley asked me to stay up with him. I stayed up with him until between four and five in the morning. He appeared more excited at one time and disappointed at another. He wept at intervals during four hours. I thought it not right to leave him alone. I went to Mrs. Townley's door about 5 o'clock, and told her the condition he was in. At night, on Sunday, he was in the same depressed state. He wrote a letter to Miss Goodwin. I observed a great failure of memory and mind in him. He supplied the substance of the letter. I supplied the words. He destroyed several envelopes. I did not sleep in the same room with him that night. I remained in Manchester that night. I took him back to Bolton on Tuesday. He remained in Bolton until the Thursday, when he got the telegram. He appeared to be suffering seriously in mind and body. He had received a letter whilst in Bolton. This made him more despondent. He went to Manchester upon receiving the telegram. I did not see him afterwards. I observed a marked change in his mind and manner after he received this letter. He did not observe me until I spoke to him two or three times. He seemed to be thinking of something else. I always found him very kind; I never heard any one say to the contrary. He was always very reserved.

Cross examined.—He was subject to passion like any one else. I have known him for 18 months. He taught two or three little boys French. He had no medical adviser that I know of. He appeared very much distressed on the Saturday night.

William Glover.—I am a book-keeper to Messrs. Hoskins. I was intimately acquainted with prisoner for four years past. He was exteremely gentle, very humane, and a closely attached friend. He was very reserved to strangers. He was very , and excitable at times. He was a man with very little hope; he looked despondingly on most things. Some time he was more desponding than at others. I sometimes knew the cause of the despondency, at other times I did not. Occasionally he did not seem to attend to what I was saying, he seemed to be attending to something else. I never saw his powers of attending to business developed.

Cross examined.—He did not attend to business with particular closeness. He was fond of music and languages. He had ——.

John Green.—I am head waiter at Midland Hotel, Derby. I remember the prisoner coming by the Manchester train on Thursday, 20th August. He asked for a letter. There was none. I had never seen him before. He asked for a chop and tea. I at first observed nothing particular in him. He afterwards went to his bed-room and came back to the coffee-room. He sat down, but eat very little. He seemed to have no appetite. He wrote a letter. He asked me what time the mail went out. I replied 9 o'clock. He walked out as if to put the letter in the post himself. I last saw him soon after 7 p.m. As he was going out, he asked me where the smoking-room was. I told him. He then said he knew where it was himself. I thought his manner very odd. When he was about to write the letter, he walked about muttering something to himself. The next morning he asked me was there a letter for Mr. Townley. I said no. He commenced walking about the coffee-room in a very strange manner, throwing his arms about. He asked me for some brandy and soda-water. He took some. I asked him what he would have for breakfast. He had some tea and dry toast. I observed a very strange appearance about his eyes, and that he was very pale. I thought he was very ill. He remained 20 minutes after breakfast. He walked about muttering. I thought at the time he was very eccentric. He walked about in a very strange manner. I came to the conclusion that he was not exactly right. I thought him rather eccentric. I told Mr. Davis, the officer, and Mr. Cox, that I thought him very strange. I told him I thought him not right in his mind.

Cross-examined.—It struck me at the hotel that he was very strange in his manner. I did not tell Davis that I noticed nothing strange. The strangeness was asking for the smoking-room, and then saying he knew it himself.

John

John Figgins.—I am the Incumbent of St. Clements, Manchester. I have known the prisoner two years. I believe he had been in a counting-house in . I knew nothing of the engagement with Miss Godwin, until the transaction took place. I may say I knew him well. He had accomplishments—a good linguist and musician. I should set him down as deficient in logica lconclusions. He was a very respectable young man, and . He was the last man I would have supposed to have been guilty of any crime. I thought he was fond of society; perfectly gentlemanly in his manner. I have visited him in prison. I have conversed with him for an hour at a time, as much as was allowed. If not knowing the difference between good and evil be a type of derangement, I should say he was deranged in mind.

Cross-examined.—The subjects I spoke to him upon were religious subjects. I had never spoken to him upon religious subjects before. He seemed to me to have had no knowledge of sin. There were certain things which I consider sinful, which he did not seem to consider so. I did not know what his opinion had been upon these subjects before. I do not know whether there had been any change in his opinion. He understood what I said, and answered very rationally.

Forbes Winslow.—I am a physician. I have had large experience in insane matters. I have had 20 years' experience in such matters. I knew nothing of the prisoner until I saw him in the gaol, except by report. I have been well versed in examining alleged lunatics. I have been frequently employed by the Court of Chancery. I saw the prisoner on two occasions. I paid two visits. Mr. Gisburn was present on both occasions. He said he was not aware of my name, or the purport of my visit. I am satisfied that what passed between the prisoner and me was natural, and not assumed. I talked to him largely upon the alleged crime upon the first occasion for nearly two hours; upon the second, three-quarters of an hour. In my opinion he is at the present moment a man of a deranged intellect. He was diseased upon the 18th November, when I examined him first. He was still more so last night, when I examined him on the second occasion. If I had any doubt whatever as to his insanity upon the 18th November, I had none after the examination of last night. I reverted generally to the conversation I had with him on the former occasion, on the 18th November, with a view of satisfying my mind that I had left him with an accurate impression of what he actually had said. He said that he did not recognise that he had committed any crime at all, neither did he feel any degree of shame, contrition, regret, or remorse for what he had done. I endeavoured to impress upon him the serious character of the crime he had committed both against God and man. He repudiated the idea of its being a crime either against God or man. In reply to some observations of mine, he proceeded to justify the act, alleging that he considered Miss Goodwin his own property. That she had been illegally wrested from him by an act of violence; that he viewed her in the light of his wife who had committed an act of adultery; that he had as perfect a right to deal with her life as he had to deal with any other description of property, such as money in his pocket or furniture in his house. I endeavoured to prove to him the gross absurdity of his statement, and tried to point out to him the enormity of his offence. He said, nothing short of a miracle can alter his opinion upon this point. He repeated frequently that she was his property, and that he viewed her in the light of property that had been stolen from him. and that his killing her was as recovering and repossessing himself of property which had been stolen from him. I said to him, "If you had been robbed of personal property, what course would you take?" He said he would claim restitution, and if not given, he would take the life of the person who took it. I told him he had no right to take the law into his own hands; that there was no injury without a remedy, and that it was his duty to take legal measures for restitution of his property. He said he regarded the right of no man to sit in judgment upon him. He said he was a free agent, and that he had not brought himself into the world by any action of his own, and he was at perfect liberty to act in any manner he thought fit. I regard this expression as evidence of a diseased intellect. Last evening he said he had for some weeks before the 21st of August been under the influence of a conspiracy; that there were six conspirators plotting against his rest, and meant to destroy him, with a chief conspirator at their head; that the conspiracy was still going on whilst he was in prison, and that he had no doubt if he was at liberty the conspirators would then continue their operations against him, and in order to escape from them he would be obliged to leave this country altogether. During this interview he became very much excited. He had a wild maniacal aspect. It was a natural exhibition of the natural man. I am satisfied it was not assumed. I could not obtain from him the names of the conspirators. I have no doubt he was a changed man.

Q. Whether the present state of mental derangement, if it existed upon the 21st August, would be likely to lead to the commission of he act he committed?—*A.* Yes, most undoubtedly. If he was in the same state of mind he is now, I do not believe he was in a condition of mind to estimate like a sane man the nature of the act and its legal liability.

Cross-examined.—I saw him first on the 18th November. He in general terms then alluded to the conspiracy, but not in such precise terms. If I had entertained any doubt on the 18th, I have no doubt after the interview of yesterday. It was more apparent to me last night. He was very excited last night. I would call it "general derangement as to his mind, perception, and intellectual appreciation." It is possible he was conscious that his opinions as entertained by him are contrary to the general opinion of mankind, and if acted upon would subject him to punishment. He would know that killing a person is contrary to law. He would know that this was so, no doubt. I should think he would know

know he had done a thing which would subject him by law to be hanged. I spoke to him upon some religious subjects. His mind seemed to be more vitiated than I ever met in any one. He seemed to have no idea of being accountable to God and man. They are pretty much the opinions of atheists. Beyond them I think he was incapable of reasoning correctly upon any subject. He said he owed allegiance to no tribunal, human or divine. I never knew an atheist express such an opinion as that. I think he must have suffered from the confinement. It was more manifest to me last night than upon the 18th November. It might not have existed at all on the 21st August. He said it was a matter of indifference to him whether he was dead or alive.

Re-examined.—He was unable to reason. He merely made assertions. He showed no anxiety as to his situation.

H. F. Gisborne.—I am a surgeon of Derby Infirmary and of Derby Gaol. I have attended one of the Bourne family for insanity. I saw the prisoner immediately after he came to the gaol. I have seen him, it may be 20 times since he came there. I have attended him especially for the last three weeks. He appears to me to be precisely in the same condition, both corporally and mentally, as when he came into the gaol. I think his condition is natural, not assumed. It is part of my duty to detect assumed conduct. I have conversed with him upon this crime. He appeared to have no conciousness of his having committed a crime. He stated to me all about it. The only thing which excited him was when I attempted to justify Miss Goodwin's conduct. He said he considered a woman engaged to a man was his property, and as if she was his wife, and he ought to have a dominion over her as over any other species of property. I consider his was an unsound mind when he entered the gaol. He ate well, drank well, slept well, and all the regular functions of the body were properly performed. He is a feeble-minded man. I think great attachment to a woman and sudden disappointment would be likely to lead to the state of mind he was in. I believe this state of mind led to the result.

Cross-examined.—I have no special knowledge on the subject of insanity. One of the symptoms of insane conduct is justifying the act. He was not on my list as an invalid. I should have thought him a fatalist, not an atheist. I have no doubt he knew that he did an act for which he might be punished by law. I believe he was devoted to Miss Goodwin.

Jahn Sims.—I am governor of the gaol. I have had the prisoner in my custody since he was committed. I have been present on all occasions when his legal adviser came to see him. He was not told who Dr. Winslow was, or the object of his visit. I saw the prisoner daily. His behaviour and conduct is precisely the same during all the time he has been under my custody. His manner whilst under the examination by Dr. Winslow is his natural manner. He talked to me as he talked to Dr. Winslow and Dr. Gisburn.

Saturday, December 12.—Case continued.

Mr. *Bowden* replied.

Guilty.—Sentence of death passed.

18 December 1863. (signed) *Samuel Martin.*

Enclosure 6, in No. 3.

The Hon. *Algernon Egerton*, M. P., to Sir *G. Grey.*

Worsley Old Hall, near Manchester,
15 December 1863.

Sir,

I TRUST that you will think that I am justified in forwarding you the enclosed letter from the Rev. Cosmo Gordon. I have some personal acquaintance with him, and believe him to be a man of intelligence and good judgment. His opinion appears to be very strong as to the absolute insanity of the prisoner Townley at present. Whether that opinion is corroborated or not by the opinion of others who are in a position to judge I know not.

I have told Mr. Gordon that a representation from him must have far greater weight with you than any letter from me, and I only forward his letter in case it may be later in date or more decided in its terms than that which he says he has written to you.

Knowing that this painful subject will receive the fullest and fairest consideration from you,

I remain, &c.
(signed) *Algernon Egerton.*

Enclosure 7, in No. 3.

The Rev. *C. R. Gordon* to the Hon. *Algernon Egerton*, M. P.

Tatley's County Hotel, Derby,
14 December 1863.

My dear Mr. Egerton,

YOUR past kindness induces me to prefer a request, and as it is a matter of death and life, I know it will receive your immediate attention. I have come to attend the family, and the young man, G. V. Townley, now under sentence of death, and my object in trespassing upon your kindness is to ask your kind and powerful help with the Home Secretary for a commutation of the sentence. The reasons on which I base my case is this:—

1. He is not sane now. Since his incarceration his mind has given way, as proved by Dr. Winslow and the surgeon of the gaol.
2. His absence of premeditation, acknowledged too even by the prosecution.
3. His strong predisposition to family insanity under his excitement and provocation.
4. The Judge's statement, that though responsible at the time he committed the act, yet the medical testimony proved his irresponsibility since.

As I sat with the unfortunate young man this afternoon in his cell, I trembled at his wildness, and but for the two men who watch him night and day, would have called for help. He cannot speak coherently, and I should blush for humanity and religion if the penalty should be carried out on an idiot.

I have written to the Home Secretary on the subject.

Apologising for this trespass,

I remain, &c.
(signed) *Cosmo R. Gordon.*

Enclosure 8, in No. 3.

The Rev. *C. R. Gordon* to Sir *G. Grey.*

Sir,

Tatley's County Hotel, Derby, 14 December 1863.

IT is not without the greatest hesitation that I trespass upon your valuable time and kind patience; but the matter is one which involves the life of a human being; and such being the case, I consider it requires no apology.

I have come from my own sphere of duty in Manchester to attend the family and the unfortunate young man George V. Townley, now lying in the gaol here under sentence of death. Permit me to inform you that I have no acquaintance comparatively with the family, but at the request of mutual friends I have been sent for in their awfully painful position.

The facts of the case are these: The young man murdered Miss Goodwin. At his trial that fact was never denied. But I do aver, and that, too, after interviews both before and after his sentence, that he is not a responsible being. His relations on the mother's side, though it was not stated at the trial (and it is well known in Manchester), are noted for their eccentricities. I was sent for after sentence, and from my constant intercourse with him (living in the same hotel) I do most solemnly aver that the family ailment has manifested itself in a peculiar way there.

It is not my place to enter into the matter at any length, as others more competent will deal with the question; but I must be permitted to say that in "the sight of Him to whom all hearts are open," I have the solemn conviction that the criminal now under sentence is one irresponsible for his acts. The long confinement and his pre-disposition has developed that family insanity admitted on the trial, and now he is not capable of taking care of himself. This very afternoon I trembled at his wild maniacal appearance. He talks incoherently; his wild aspect, his nonsensical conversation, all convinced me that he was not a person capable of taking care of himself. His judge who tried him stated it as a fact that though sane enough before he committed the deed, yet it was proved by medical testimony that he was insane now. He informed me that he was happy that Miss Goodwin was dead, and he would be happier when his own end came. The public journals also take this view of the case, and I enclose a leading article from the "Morning Advertiser" on the subject.

In addition to the proved insanity of the prisoner there appears to me other extenuating circumstances in addition why the penalty of the law should not be carried out. He loved the young woman to distraction, he went to see her without any intention of committing the offence, he had no such thing as premeditation. At the interview he learned that she, the affianced idol of his affections, had engaged herself to another man. What passed at that interview the eye of the Eternal alone saw, but much may be surmised in his favour.

The theory laid down at the trial is one which is a very questionable one. Suppose the inmates of a lunatic asylum were released, and were guilty of similar crimes, 99 of every 100 would have a consciousness that they were incurring criminal responsibility, and is it likely that the capital sentence would be carried out in their case? Impossible!

The pleas then which I would respectfully urge in arrest of execution are:—

1. His impaired intellect since his incarceration, a period of nearly four months; his reason being faulty then.
2. The absence of all premeditation, and that, too, acknowledged by the prosecution.
3. His excited state, with predisposition to insanity. *See* mother's evidence.
4. Awful provocation (deceit of the deceased).
5. The judge's acknowledgment that though irresponsible now he was sane enough at the time of the commission of the deed.

I have no interest to serve in the matter; my wish is that justice should be administered in all its inflexibility, but I would blush for my country were such a spectacle made before high Heaven as that an idiot, or one approaching to it, should suffer now.

With such grave facts as these, and knowing your well-known philanthropy, I anticipate with confident pleasure that you will give effect to them, by recommending the prisoner to Royal clemency.

With grateful thanks for past kindnesses, I remain, &c.

(signed) *Cosmo R. Gordon*, M.A., F.S.A., F.R.G.S.

Enclosure 9, in No. 3.

EXTRACT from the "*Morning Advertiser.*"

"FEW domestic tragedies of our day have been more shocking than that Wigwell murder whose latest result we this morning record. It is impossible to trace the facts without being struck by the exceeding uncertainty of that which of all things a man may be supposed to have under his complete control—his own acts. We are quite prepared for deeds of violence in men whose lot has been cast among our criminal classes, who have grown up with the Arab instinct, feeling that their hand is turned against every man, and that every man's hand is turned against them. Amongst men of this class we have ungovernable passions and ill-regulated wills. They have a habit of lawlessness which comes upon them from the earliest dawn of perception, and which every subsequent hour serves to enlarge and confirm. When we consider the education they receive, how godless and lawless it is, one to which civilization contributes nothing but a more artful ability for wickedness, we are not surprised that occasionally the house of life is broken into, and that murder is added to the story of those dismal tenements which have witnessed little else but crime. On the contrary, we may fairly express our astonishment that the most dreadful of crimes is committed so seldom as it is. The fact would argue that there is an indestructible basis of goodness even amongst the most depraved. But when we turn from this phase of society to the smiling commercial home, wealthy, and happy, and cultivated,—when we see that the fatal knife is not grasped by the hand of one "marked and quoted by the hand of nature" for a deed of blood, but by a son beloved by his parents, the pride of his sisters, young, diligent, amiable, accomplished,—surely there is something to startle us in so terrible a contrast between the doer and the thing done. In such a case the plea of insanity seems to suggest itself. It becomes probable without support; for only upon the explanation which it offers is so horrible a tragedy intelligible.

"The story is not long. It seems that some four years ago the unfortunate young man who has just been sentenced to death met at Manchester the poor girl whom he sent, a few months back, to an untimely grave. He was respectably connected. His grandfather had been a post captain in the navy, and for some years commanded one of the Royal mails between Liverpool and Dublin; while his father, whom he assisted in his business, enjoyed a position of respectability in Manchester. The girl was a Miss Goodwin. Her grandfather had also been a captain in the navy, and it was while she was residing with him at Wigwell Grange that the tragedy occurred. Shortly after the meeting of the deceased and young Townley an engagement was entered into between them; but it would appear that Townley's position and prospects were not sufficiently good to justify marriage at any time between the making of this engagement and the time when Miss Goodwin expressed her desire that it should be broken off. This is clear from the evidence of the Rev. Mr. Harris, who says that Townley, when he called upon him on the day of the murder, admitted that he was not a good match. However, some time in August last Miss Goodwin wrote to Townley putting an end to the engagement, and upon his writing to her to ask a last interview, she wrote back, saying it would be better that they should say "good-bye," without meeting. This and another letter which Townley addressed to her crossed upon the road, and when Miss Goodwin's letter reached Hendon Vale, the residence of the Townleys, he had already

already left his home for the purpose of seeking the desired interview. According to the evidence of the Rev. Mr. Harris, the unfortunate young man, on the day when the tragedy occurred, seemed animated by no vindictive spirit, but only by the very natural wish, which most men would have under similar circumstances, to see the girl towards whom he had so long stood in such tender relations once more before they parted for ever. Mr. Harris saw him twice on the day of the murder, and was so little impressed by his manner with the notion that he harboured any wrong intention, that he says he recommended him either to write a note to her, or to go and see her. If we are to judge of young Townley's intentions by his words upon this occasion, and as they would not be rejected if they told against him they should be admitted, *quantum valeant*, when they tell in his favour, he had no evil design against Miss Goodwin. He said, "Sooner or later I must see her. I have set her free, but I must hear from her own lips that she gives up the engagement. She is of age, and at liberty to please herself. I know I am not a good match. I do not wish to stand in her way."

It was shortly after his second visit to Mr. Harris that young Townley and Miss Goodwin met. That evening they were together nearly two hours. Twice, while she was conversing with him in the garden, she was sent for into the house. Twice she returned to him, and after her second return she proceeded to walk with him a part of the road towards the station. Now, during the whole of this time the suspicion never once entered her mind that any foul play was intended. A witness deposes to having seen them talking together upon the turnpike-road, probably a few minutes, perhaps only a few seconds, before the fatal blow was struck. At this moment Miss Goodwin's back was towards the wall. Witness did not hear any expression, or any part of their conversation, beyond the words "quarter past nine." They were talking, he says, as though about to part, and they seemed to be in the act of separating from each other. The witness thought that the expression, "quarter past nine," referred to the time of the starting of the train. Up to this moment there was nothing in Townley's demeanour to excite suspicion, but on the contrary. That at the last moment he stabbed her, there cannot be any doubt. He himself admitted it, and the only possibility of holding him excused from so horrible a deed, is that he was not in his proper senses. This was the defence set up, and the jury by finding a verdict of "guilty," have rejected it.

We will not venture to arraign the justice of the conclusion to which the jury came; but at the same time we must say, that there are at least seeming reasons for thinking that if Townley was not actually insane at the time of committing the murder, his reason has been impaired by the terrible reflections which have passed through his mind in the sombre solitude of his cell; and we presume, if it should be found that such is the case, that it is as accordant with the spirit of our law as it is with humanity, that no one even partially insane should be sent to the scaffold, there to expiate a crime. We cannot believe that this unhappy man will be executed. We trust that the Home Secretary will institute some further inquiries into the present state of Townley's mind, and that the result will be, instead of his being consigned to the hands of the public executioner, he will be confined for the remainder of his life in a lunatic asylum.

Enclosure 10 in No. 3.

NEWSPAPER EXTRACT.

John Henry Sims, Governor of the County Gaol, said:—The prisoner has been in my custody since his committal. The prisoner's conduct is precisely the same as it was when he first entered the gaol.

His Lordship said: Delusions were proved to have existed in the prisoner since the act was committed, but there was no evidence of delusions before.

This concluded the evidence for the defence, and, it being now nearly six o'clock, the court adjourned.

Enclosure 11 in No. 3.

Mr. *Coleman* to Sir *G. Grey.*

51, Pembridge Villas, Bayswater,
21 December 1863.

Sir,

I AM deeply interested in the fate of George Victor Townley, now under sentence of death for the murder of Miss Goodwin.

I have known his parents for many years; they are most excellent people in all their relations of life, and have educated their family by precept and example as orthodox Christians.

I therefore respectfully venture to address a few words for your consideration, fully appreciating the grave responsibility which rests with one placed in your high office, and satisfied that you will be anxious to arrive at a just understanding of this peculiar case, so

that you may discharge your solemn duty to society faithfully and impartially, as well as to the unhappy prisoner and his afflicted family.

Mr. Baron Martin, who has deservedly the character of being a most intelligent and humane judge, laid down the strict law of the case, and the jury unhesitatingly followed his directions.

The point being, that in the eye of the law the prisoner was legally responsible, if when he committed the murder, he knew its consequences; and that he did know he had committed a crime against the laws of his country is assured by his own declarations of "I did it—I shall be hanged for it." But the prisoner, who is quite indifferent to his fate, who was in the same state of mind when first admitted to the Derby Gaol as he is now, who is not acting a dissembler's part, whose insanity is not doubted by the governor of the gaol, nor by Mr. Gisburn, the prison surgeon—insists that he has not committed a crime, that he had a right to do as he liked with his own, &c., &c. This mode of reasoning, apart from his very extraordinary demeanour and calmness throughout, is, in my opinion, strong proof of his insanity.

It is well known that very many of the inmates of our lunatic asylums talk rationally on most subjects; and if one so circumstanced were to commit murder and exclaim, as in this case, "I did it—I shall be hanged for it"—would the law hold him legally responsible? As others more immediately connected with the prisoner will no doubt bring the whole case to your notice, I will do no more than to respectfully claim your attention to the important admission made by the counsel for the prosecution, that the act was not premeditated; "on the contrary," Mr. Bowden said, "I am bound to admit that there was no evidence of any such intention," &c.

Trusting that you will excuse, sir, this trespass upon your attention, and in the hope that you will be able upon a reconsideration of all the circumstances of this painful case, to recommend that the royal mercy may be extended to this unhappy youth on the ground of his insanity,

I am, &c.
(signed) *Benj. Coleman.*

Enclosure 12 in No. 3.

Memorial.

To the Right Honourable Sir *George Grey*, Baronet, Her Majesty's Secretary of State for the Home Department.

The humble Memorial of the undersigned, father, mother, brother, and sister of George Victor Townley, now a prisoner under sentence of death in the Derby Gaol, convicted of the murder of Miss Elizabeth Goodwin, at Wigwell Grange, on the 21st of August last,

Humbly showeth,

That the three letters dated respectively 27th July, 31st July, and 4th of August last, from Miss Goodwin to the prisoner, copies of which are attached hereto, were accidentally left behind by the prisoner when he left home for Wigwell Grange on the 20th August. They were in the hands of counsel at the trial, but were not read. Your memorialists offer them as showing the sudden change in Miss Goodwin's feelings towards the prisoner; the 10th of August, as proved in evidence, being the day on which she first indicated that change.

That after receipt of the said letter of the 4th of August indicating the change, the prisoner manifested neither anger nor violence—nothing but deep distress and despondency, and it is the belief of your memorialists that he left home with the most disintesested motives, and that the fatal act was in no way premeditated; indeed, this was admitted by the prosecution upon the trial of the prisoner.

That your memorialists firmly believe that the fatal act was committed by the prisoner when he was in a state of madness, brought on by the suffering and excitement of the preceding six days, and by what occurred at the interview with Miss Goodwin; that this madness was the outward manifestation of the disease latent in his system, and which he inherits from his mother through both her parents.

That there are many minute circumstances connected with his mental and bodily condition prior to the 21st of August, which, in the opinion and judgment of your memorialists, strongly indicate and prove the latent hereditary insanity referred to.

That the insanity developed on the 21st of August has continued ever since with more or less intensity.

That at the various interviews which your memorialists have had with the prisoner in prison, they have become impressed with the conviction that his mind is permanently impaired, and they believe he was not when he committed the fatal deed, nor is he now, a sane man.

That Dr. Forbes Winslow, Mr. H. F. Gisborne (surgeon to the Derby gaol), and Mr. J. H. Sims (governor of the gaol), all deposed to the fact that the prisoner was insane upon and prior to the day of trial, and your memorialists have reason to believe that the chaplain of the gaol entertains similar views; and if it should be your intention to institute

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an official or other inquiry into the prisoner's state of mind, your memorialists beg to suggest the propriety of their and other near relatives of the prisoner being examined before such commission as to his mental and bodily condition prior to the 21st of August, as well as since, and now.

That, looking at the entire absence of premeditation, the great mental suffering the prisoner endured, his previous unblemished character, and the great doubts that under any view of this case must always exist as to the prisoner's sanity, your memorialists implore you to be pleased to advise her Most Gracious Majesty to extend her royal mercy towards the prisoner that his life may be spared.

And your Memorialists will ever pray, &c.

(signed) *C. J. Townley.*
Mary Townley.
C. W. Townley.
Katharine Townley.

Enclosure 13 in No. 3.

Mrs. *Banks* to Sir *G. Grey.*

Sir,

I, THE undersigned, an infirm and aged person, and a total stranger except by newspaper report to the person in whose behalf I plead, do earnestly request you will forward this my appeal to Her Majesty's own gracious consideration. I am told she is not suffered to peruse trials for life and death, but it is hard to believe she should be deprived of the only real power left to royalty, involving as it does the most godlike exercise of Majesty.

Your petitioner, as well as every various person she has met with, has been so much struck by the result of the trial of George Victor Townley, that she thinks too many voices cannot be raised in extenuation of so harsh and inconsistent a judgment, tending to bring into discredit the trial by jury, since the same paper represents a jury strongly recommending to mercy a wretch they had just found guilty of the deliberate, inhuman, and unnatural murder of her mother by poison. And it does seem to your petitioner that the recurrence of the insidious death by poison is far more to be guarded against by severity of example than any possible danger to young ladies who contract engagements before they know their own minds, especially as there is a glaring difference between the brutal outbursts of passion sometimes recorded, and the insanity creeping over a mind said to be naturally gentle. Petitioner ventures to suggest whether the judge might not be prevented by some deficiency in his own mind from fairly discriminating cases of insanity. It is not averred that the unhappy man was always mad, but that he was one of a peculiarly constituted mind, incapacitating him from the rough pursuits of business, and throwing all his hopes with greater force into one narrow channel. We hear of his mental anguish at the unexpected stroke, of his relapses into pity after the deed, the strange talk about his victim being happier as well as himself, and the wild hopes of their meeting in heaven. Sir Walter Scott was surely no mean judge of mind, and he represents Lucy Ashton as not only calm and quiet, but deliberately secreting a deadly weapon. In short, some years since petitioner heard the opinion of an eminent physician, who superintended a lunatic asylum, to the effect that the worst cases of all were those that came nearest to reason. Every generous spirit must repudiate one assertion of the judge's, which deprives the prisoner of the excuse of insanity, because he was aware of the consequences to himself—a maxim only made for dastards. The monomania consists in the fixed and fearful belief that he is right; and it is on this account, as well as for the sake of his despairing family, that your petitioner would earnestly entreat Her Majesty not to send a person otherwise gentle, and driven by sorrow upon crime in an impenitent and improper state of mind into the awful awaking of another world, when by gentle medical and clerical tendence he might live to see the error of his ways, which he is hardly likely to do under present circumstances. Only let him be placed under sufficient coercion to prevent future mischief to himself or others, but in such sort as a morbid mind requires. Your petitioner relies only on her entire disinterestedness, and the disturbance of personal repose to an old nervous subject, naturally caused by ever so slight an intermeddling with public affairs, for presuming to suppose her isolated voice will claim the least consideration; but she trusts that the blessed power Her Majesty possesses of lightening the weight of uncommon calamity, perhaps of saving a soul, will bring a more than common blessing to her instead of this well-intentioned prayer causing her annoyance. Your petitioner, having made bold to intrude in this manner, thinks it but right to affix her humble name, which, however, it would be very painful to do on any less solemn occasion, and also the readiest address by post, in case any blame should be found either with her freedom of speech or ignorance of etiquette, and for this purpose, Post Office, Egremont, would the soonest find her, being at present moving house. She trusts, however, to hear no more of her letter, which she would subscribe with all respect, Her Majesty's faithful and loyal subject.

(signed) *Hester Banks.*

Enclosure 14 in No. 3.

Mr. *Leech* to Mr. *Waddington.*

Sir, Derby, December 21 1863.

THE bearer waits upon you by my desire, with a Memorial signed by the father, mother, brother, and sister of the prisoner, and statutory declarations of the prisoner's father (C. J. Townley), Samuel Ridley Smith, John Booker, and Sarah Tomlinson, who were not examined upon the trial, although in attendance.

I have not thought it requisite to prepare statutory declaration of Dr. Forbes Winslow, Mr. H. F. Gisborne (surgeon to the gaol), and Mr. J. H. Sims (governor of the gaol), as to the state of the prisoner's mind, as their evidence was given upon the trial, and will appear upon the notes of Mr. Baron Martin, who tried the prisoner.

My chief object in sending the papers to you by hand is to give you the opportunity of informing the bearer whether you will kindly grant me a personal interview on Wednesday or Thursday next. If you will be pleased to do so, I will not occupy your attention more than a very few minutes, and I believe the interview may be of service.

I have, &c.
(signed) *Saml. Leech,*
Solicitor, Derby, and Attorney for the Prisoner.

Enclosure 15 in No. 3.

DECLARATION of *John Booker.*

I, JOHN BOOKER, of the city of Manchester, chief gardener to the Queen's Park under the Corporation of Manchester, do solemnly and sincerely declare as follows:—

That I have known George Victor Townley, now a prisoner, and under sentence of death in Derby County Gaol, for four years, and that I have had many opportunities of seeing him.

That the prisoner always appeared to me gentle and kind. I have often talked with him, and know his character.

That on Sunday, the 16th day of August last, the prisoner, his brother, and a foreign gentleman, came into the park where I was, and the prisoner asked me to take them up to the roof of a house in the park which commands an extensive and beautiful view, that he might show it to his friend the foreign gentleman.

That I was so struck with the wild appearance he exhibited, and there appeared to be something so unusual and different from his ordinary appearance, that I told his brother I would not accede to his request, as I did not consider it safe to do so. I have often noticed that the prisoner was eccentric in his manner and conduct, but on the said 16th day of August (a few days before the murder of Miss Goodwin) he appeared to me to be of unsound mind.

And I make this soleman declaration conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty William IV., intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affirmations, and to make other provisions for the abolition of unnecessary Oaths.'"

(signed) *John Booker.*

Taken and declared at the city of Manchester, in the county of Lancaster, the 16th day of December 1863.

Before me,
(signed) *W. H. Partington,* a Commissioner to administer Oaths in Chancery in England.

Enclosure 16 in No. 3.

DECLARATION of *Samuel Ridley Smith.*

I, SAMUEL RIDLEY SMITH, of Prestwich, in the county of Lancaster, Treasurer of the Prestwich Lunatic Asylum, near Manchester, do solemnly and sincerely declare, that I have known the prisoner for about two years, and always believed him to be most humane, gentle and affectionate, although reserved in manner. He was a guest of Mr. Washington Arrowsmith, at Bolton, from Tuesday the 18th until Thursday the 20th of August last. I returned to Manchester with the prisoner on the latter day and left him at the railway station there, with his mother and sister. During the period I was at Bolton, I observed

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the prisoner was very low and dejected. I tried, whilst there and afterwards on the journey home to rouse him, but failed to do so; he continued very much depressed, and as I did not know anything about his attachment to Miss Goodwin, or the effect of any letters he had received from her, I did not press him upon the subject. On Sunday morning, the 23d August last, I went to Wirksworth with the said Mr. Washington Arrowsmith, and visited the prisoner, who was then in custody. He made a request to the police officer in charge of him that he might be permitted to have a private interview with the said Mr. Washington Arrowsmith, which was allowed and which took place. On my leaving the room in which the prisoner was confined, I told the police officer in charge that in my opinion he ought to be near at hand and keep a strict watch upon the prisoner, as from the wild and excited appearance he presented I was apprehensive that he might do himself personal violence. I saw a very marked change in his appearance and manner, and in my judgment his reason was affected, and his mind shaken. That we have 800 lunatics in our asylum, and I am accustomed to see them almost daily, and I feel myself fully qualified to give an opinion upon the subject; and having seen the prisoner again very recently, I am also of opinion that he is not now in his right mind. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty William IV., intituled "An Act to repeal an Act of the present Session of Parliament intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affirmations, and to make other provisions for the abolition of unnecessary Oaths.'"

(signed) *Saml. R. Smith.*

Taken and declared at the city of Manchester in the county of Lancaster, this 16th day of December 1863.

Before me,
(signed) *Hy. Wheeler*, a Commissioner to administer Oaths in Chancery in England.

Enclosure 17 in No 3.

DECLARATION of *Sarah Tomlinson.*

I, SARAH TOMLINSON, of Cromford, in the county of Derby, spinster, do solemnly and sincerely declare, that I am servant to the Rev. Samuel Brockson, Wesleyan minister, at Cromford, aforesaid. That on Friday, the 21st day of August last, I was residing at home, with my mother, at Wirksworth Dale, in the said county of Derby, and which is 1½ mile from Wigwell Hall, also in the said county of Derby, in an opposite direction. That a person going from my mother's house to Wigwell Hall would pass through Wirksworth. That about three o'clock on the afternoon of that day (Friday, the said 21st day of August last), my mother, who was seated on the sofa, under the window, noticed the prisoner (George Victor Townley) go past our house, and called my sister's and my attention to his singular appearance: she exclaimed, "Whoever is that man?" That we (my sister and myself) replied, we did not know. That he (the prisoner) appeared very much distressed, he looked upon the ground and had his arms crossed in front of him. That in about five minutes' time he returned and went past our house again; he was then stroking his beard, and appeared very thoughtful, still looking to the ground. That all three (my mother, my sister, and myself) went to the door and looked after him. That we watched him for about 50 yards, and until he got out of sight; a bend in the road prevented our seeing him further. That his appearance and manner were most peculiar, and caused us to wonder who he was, and we all remarked that he was either very much distressed, or "a man out of his mind." That I am sure this was the 21st day of August last, the day of the murder of Miss Goodwin, and about three o'clock in the afternoon, when the prisoner passed our house at Wirksworth Dale, aforesaid. That on the Monday following (the 24th day of August) I was at the Moot Hall, in Wirksworth, and there saw and recognised the prisoner as the man who had passed and repassed our house at Wirksworth Dale aforesaid, on the previous Friday afternoon. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty King William IV., intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial Oaths and Affirmations,' and to make other provisions for the abolition of unnecessary Oaths.'"

(signed) *Sarah Tomlinson.*

Solemnly declared at Derby, in the county of Derby, this 17th day of October 1863.

Before me,
(signed) *S. G. Smith*, a Commissioner to administer Oaths in Chancery in England.

Enclosure 18, in No. 3.

DECLARATION of *Charles James Townley.*

I, CHARLES JAMES TOWNLEY, of the city of Manchester, merchant, do solemnly and sincerely declare, that I am father of George Victor Townley, who is now confined in Derby gaol under sentence of death; that my wife is the daughter of John Marsland and the late Eliza Bourne his wife; that there are 11 known and well authenticated cases of actual insanity in my wife's family, besides many others of doubtful sanity; that some of them were not brought forward at all at the trial, and that for obvious family reasons the entire evidence on this point was not pressed, or made prominent. The cases referred to are as follows:

One paternal aunt of my wife, a "Marsland," one paternal second cousin of my wife, through a "Marsland;" five maternal first cousins in the family of a "Bourne;" one maternal first cousin in another family of "Bourne;" one maternal first cousin, once removed, in another family of "Bourne;" there are, therefore, 11 cases of decided insanity, involving two branches of the Marslands and five distinct branches of the Bournes. That my wife's mother, my wife herself, and other members of her own family, have from time to time developed symptoms of latent insanity; that my wife's whole family are persons of a highly nervous organization; that my son possessed the same, and that it was apparent to all who knew them and him that he inherited this from his mother; that at the interview I had with my son on the 24th of August last (three days after the murder of Miss Goodwin in the prison), there appeared to be a marked change in him from when I had parted with him three weeks previously; the memory and whole range of intellectual powers were deteriorated in a marked degree; his looks and appearance were greatly altered, and the strong conviction, strengthened at each subsequent interview, was and is that his reason had become affected, and I am quite confident he is not now a sane man; that the opinions and reasonings stated in Dr. Winslow and Mr. Gisborne's evidence upon the trial are such as I never heard him express before he was in prison, nor had I any notion that he held them, although we lived on terms of intimacy and confidence. I confidently believe he did not hold such when in a sane state of mind. That, therefore, without questioning the law as laid down by the judge, and the consequent verdict of guilty by the jury, I do declare my conviction that the question of the prisoner's sanity at the time of the fatal occurrence, and his capability to estimate its nature, effect, and penalty, are open to grave doubts. That I believe the following points bear cogently upon the question, namely, strong hereditary insanity, a highly nervous and sensitive organization; both these acted on by bodily and mental suffering of many days' duration prior to the fatal occurrence, and described by the learned judge "as great as it was possible for any man to suffer," the utter absence of premeditation, violence, or anger; the provocation which he received being of no ordinary kind (not prominently brought forward, in deference to the young lady's family); his general good character and humane disposition, totally opposed to the commission of such an act, and the entire absence of all circumstances of an aggravated character; and I venture to urge them upon the serious consideration of those who have power to deal with the matter. And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an Act made and passed in the sixth year of the reign of his late Majesty William the Fourth, intituled, "An Act to repeal an Act of the present Session of Parliament, intituled, 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affirmations, and to make other Provisions for the Abolition of unnecessary Oaths.'"

(signed) *C. J. Townley.*

Solemnly declared at Derby, in the county of Derby, this 17th day of December, 1863.

Before me,
(signed) *S. G. Smith*, a Commissioner to administer Oaths in Chancery in England.

Enclosure 19 in No. 3.

REPORT of the Commissioners in Lunacy.

Derby, December 28, 1863.

WE the undersigned, Commissioners in Lunacy, report for the information of Secretary Sir George Grey,—

That, in compliance with the request contained in Mr. Waddington's letter of the 23d of December, we have undertaken the inquiry recommended by Mr. Baron Martin, as to whether

whether George Victor Townley, now under sentence of death at Derby, for murder, is or is not at the present time of unsound mind.

We proceeded to Derby on the morning of the 26th, and have since had lengthened interviews on two separate occasions, with the prisoner. We have also examined the governor of the prison, Mr. Sims; the surgeon, Mr. Gisborne; the chaplain, Mr. Moore; the father and mother of the prisoner, the chief warder of the gaol, and the four warders who, before and since the trial, have had exclusive charge of the prisoner, and have watched him day and night.

The result of this examination of the officials of the prison, of which the detail will be found appended to our Report, may be stated briefly as in effect establishing, without dispute, that there has been substantially no change in the prisoner's mental state since the trial; that such difference or alteration as may have been noted has been an improvement; and that he has been altogether more at ease, more resigned, and at times even cheerful, since the sentence was passed upon him. Not any time since he was first brought to the gaol, according to the testimony of all who have had the means of watching him closely, does he appear to have been more rational than he is at present.

In the endeavour to form a satisfactory opinion as to his existing mental state, we have found it impossible to exclude the consideration of what his mental condition had been during the entire period of his imprisonment. What it is now, it has been throughout; and the detail of what was elicited from him at our interviews, appended to this report, is probably sufficiently ample to enable the Secretary of State to form an opinion for himself as to the prisoner's moral condition, the views entertained by him of the murder he committed, the motives that impelled him to it, and the reasons by which he justifies it. We have to remark, that, generally his manner during these interviews, with one or two exceptions, which we have noted, was remarkably calm, quiet, and self-possessed; and though he seemed to have had no difficulty in at once, from the question put to him, correctly inferring the object and drift of our examination, we saw not the least grounds for suspecting him of any intention to mislead us by putting on a manner not natural to him, or feigning what he did not feel.

In view of the extravagant opinions thus deliberately professed by him, of his extraordinarily perverted moral sense, and of the hereditary taint alleged, and apparently proved, to have existed in the family of the prisoner's grandmother, we cannot consider him to be of sound mind; but his views of right and wrong, false as they are, appear to have been coherently acted upon, and with a full sense of what they involved. He reasons now, as he acted in committing the murder. Upon the point of his alleged belief in a conspiracy against him we pressed him very closely; but we could not satisfy ourselves that this was in the nature of a delusion. It seems certain that some members of the deceased's family objected to his engagement with her, while others favoured it, or were indifferent; and that the former had obtained an influence over her some time before her letter was written, which was meant finally to put an end to it. Hence he believed that she had been acted upon by a conspiracy, which was meant "in the tenderest point" to injure him; and all the questions we put upon this part of the case failed to draw from him anything that could bear other constructions than that he had taken a disordered and morbid view of an actual occurrence.

Being of opinion, therefore, that the prisoner continues to be now in the same mental state as when he committed the murder, and underwent his trial, we think that, applying the law as laid down by Mr. Baron Martin to this case, the prisoner, George Victor Townley, was justly convicted.

(signed) *W. G. Campbell.*
James Wilkes.
John Forster.

Enclosure 20 in No. 3.

EXAMINATION of *George Victor Townley*, December 26, 1863.

Derby Gaol.—Before the COMMISSIONERS IN LUNACY.

"I KNOW that the time for my execution draws near. The chaplain has been very kind. I have been very glad to see him. I am prepared for any change.

"What impression should he have made upon me? I feel the same now as I have done always. He has spoken kindly to me. I am glad to have his visits. In what I did I think I have done right. I did a good action. She was my property.

"I am different now to what I was before I did it. My feelings must be changed to a certain extent.

"What have I been guilty of? I am guilty of nothing. I don't admit I am guilty of anything. I don't believe I have done any harm. Bessie Goodwin was my property, and I had a right to do what I did because she was false to me. They took away her affection from me. They were all unfriendly and combined against me.

"I was not myself when I did it. I might have been mad at that moment. I am quite sane now.

"I do not remember all I said to Mr. Harris. I might have said what you repeat.—[He had been asked to reconcile his statement about treating her as his property with what he said to Mr. Harris at Wigwell (immediately before the murder) as to her being of age and at liberty to act as she pleased.]—I don't think I said all that; but I don't remember. Something fell over me after that, and I do not recollect. I don't see the inconsistency. I had not seen her or spoken to her then.

"Her whole way, manner, speech was changed. She was different to what I expected. I had not made up my mind previous to seeing her. I was worked up to a pitch of madness. I was not myself at that time.

"I have done her no harm. She is better where she is than if she had lived. I believe there is a future state. I am waiting to go to her. I shall be too happy to join her.

"I had long been afraid that she was corrupted by the set she was among. She was worked upon by others. They were no friends of mine; they were combined against me. Mr. Harris and Captain Goodwin, and the Wigwell party—they are my enemies."

[His manner throughout was generally very calm and quite self-possessed; but on being asked here whether it was not natural they should now be his enemies, he became a little excited, but was soon calm again.]

"They set her against me. She was my property. I saw her, and took away what belonged to me; what else could I do? I think that she in the same circumstances would have had an equal right to do the same.

"I consider that a man has a right to kill his wife if she is an adulteress. I think Bessie Goodwin was guilty of adultery in engaging herself to another. She was as much my property as if we had been married. I look upon marriage as a mere ceremony.

"I never thought deeply on religion. I did not give religion any thought. I am not troubled at the thought of being punished. Why should I be punished? There is no reason for it.

"The results of the trial are nothing to me. I know what was pleaded for me. I could not have pleaded guilty, because I was not guilty of anything.

"If they take my life it is because they have the power to do it. I took hers because it belonged to me. Their right is that of might; mine is the right of a possessor to recover possession of his property.

"Other men think and act differently because their temperaments and circumstances are different. A man who has a particular temper, and finds himself in circumstances that compel him to act as I did, is not accountable. You have expressed exactly what I mean. Other people might not act as I did. The fact that I acted as I have done is a proof that a man is not accountable in those circumstances.

"I have always thought so; I never remember to have thought otherwis—never since I have been able to think. I don't speak of when I was a boy, but since I have been a man. I am the same now as I have always been.

"No, I was not in the habit of being violent. I might have been quick to take offence. I might fly into a passion sometimes. I was not more passionate than anyone else. I don't recollect anything particular in that way. I never injured anybody that I know of. Some of my mother's family were insane. The Bournes were very odd and eccentric, and did foolish things. My mother was always nervous, excitable, hysterical.

I am very sorry for my position on account of my family. I am sorry on their account. For myself, I should be glad of death. It is natural for me to prefer death as a release—a release from the world—from what I am heartily sick of. But, for the sake of others, I should be glad if it were not to be; I should prefer to live. I have no horror of death, but I don't like the idea of a felon's death; especially as I am not a felon, and don't feel that I have been guilty of any crime.

"Of course I have a conscience; I know that I have a conscience. I should be inhuman if I were not sorry for them (his father and mother). I am not sorry for the parents of Bessie Goodwin, or for any of those who brought me to this. I only prevented them from taking from me what was mine; I only took what belonged to me. She is now waiting for me. I shall join her in a short time. I do not care for anything, except so far as my friends are concerned. It is natural I should wish the efforts they are making should not be unsuccessful. For them I would rather live, even as a prisoner for life; although otherwise, but that it would be selfish in me to press my wish against theirs, I would rather die, only I should like another form of death, if Her Majesty could alter the form. To be shot would be better than anything; for it is not as if I were a felon and a murderer."

[Here the tears filled his eyes. He wiped them with his hand. Neither at this or any other part of the examination did it seem as if he wished to convey any other than the natural expression of what he felt. His manner was, as his language, quiet and coherent.]

"I only did what I had a right to do, and as the circumstances impelled me to do. Under the circumstances I could not help acting as I did." [He shed tears.]

"The persons who combined to take her from me were no friends of mine; they were always my enemies. They had a personal enmity to me. They were very glad to do me that injury of taking her away from me. I do not think they would combine to take my life. I do not think they would have conspired to kill me. But they did combine to injure me in the most tender part by taking her away.

"I am

"I am a Church of England man—I mean that I was baptised in the Church. I never attended church regularly or as a habit.

"I have read since I have been in prison. Chiefly amusing books. 'The Leisure Hour,' and other things. But I cannot fix my attention as I did formerly. I don't feel equal to it as I did before. I can't write letters. On the whole I sleep very well—rather restless sometimes. I eat well.

"If my life is spared I know I shall be a prisoner. If not in a prison, I shall be confined somewhere; it will be confinement in some place. I am sane. I know what was said for my defence. I did not desire it, but I consented to it.

"I am not other now than I have been all my life, except at the moment when I committed the deed. I consider myself sane now, but not when I did it. I can remember nothing particularly of that exact time. Yes, I adhere to what I have said. I do not know what you mean by my justifying it. There is nothing to justify. It was the disposal of what belonged to me. A man is not accountable for what circumstances impelled him to do.

"I meant no harm to Bessie Goodwin. I do not say that I would do it again. But, perhaps, I could not help myself doing it, and I should not do wrong.

"I have reasoned in this way formerly, before this act. I do not know if I have ever said to anyone that it would be justifiable to take a person's life under circumstances similar to mine. If I have not said it to anyone, I have thought it. I believe there may be some I have said it to.

"I have not thought of taking my own life here. I do not think it would be possible here.

"But I have thought of it, and do not think there would be any harm in it. It is what I might have done before, if I considered myself only. I was nearly on the point of committing suicide once—when our engagement was first broken off. I was very miserable then. That was two years and a half ago. Something prevented it; I cannot remember what it was. The engagement was broken for about six months. It was broken off on account of my circumstances. I was in a merchant's house in London at that time.

"At Mr. A. K. Thompson's, a Cuba merchant. I did not think of killing Bessie Goodwin then. I tried first to recover what belonged to me; and I did recover it.

"I do believe in a future state. I must believe in it. It is a hope I have. Indeed, it is stronger than that, it is a belief.

"I cannot tell whether my views as to my property in Bessie Goodwin, or such opinions as that, are entertained by other people. I never read that it was so. I never heard it. I do not precisely remember. Other people may be right in thinking differently; but their thinking so does not affect me; it has no effect upon me. Men must act according to their circumstances and their characters, and they cannot help themselves. You must excuse my inability to explain myself correctly. I cannot explain myself well.

"No, I cannot remember that there was ever any conspiracy or combination against me, except to take her from me. But people have not liked me. When I was 20, I was in the house of Mr. C. de Mureatta. That was before my engagement with Bessie Goodwin, though I had seen her. I never remember such a disagreeable set as the clerks were there. There were 14 or 15, and they were all against me. I left after being there a year and a half. I was very glad to leave, and they were all glad I should leave. There was no quarrel. But people would often take unreasonable dislikes to me.

"I am always glad that my family should come to see me. They were not very well-to-do. They were reasonably well off. I have been glad to see Mr. Gordon and the chaplain. They are very kind to me; but they can make no change in my opinions. I had a bad attack of pleurisy when I was at school. My health is very good, but I am subject to headaches."

[End of the first examination of the prisoner, G. V. Townley.

EXAMINATION of *George Victor Townley*, 27 December 1863.

Derby Gaol.—Before the Commissioners in Lunacy.

[Asked to reconcile what he had written to deceased immediately before going to Wigwell Hall, that he knew he was not the man to stand in her way—that he only wished to hear from her own lips what her wishes were, and he would accede to them—with what he had said yesterday of his right to her as his property, and to destroy her if she were false to him.]

"I was deceived by her in the way in which I was met. I was not dealt with as I expected. I was disappointed. Certainly [smiling], I had no intention to go and kill her. But I found her altogether different. I expected her to give me some good reasons for her change. There were none. She gave me no reason at all—nothing but a tissue of lies. Had I been dealt with fairly by her, I should have fairly dealt with her. I intended, if I had been treated at all truthfully or fairly, to have treated her the same. But I could get nothing satisfactory out of it at all. I lost all control over myself. The whole thing was so different from what I expected.

"No. She never mentioned Mr. B." [the name of the clergyman finally preferred by her to himself] "to me. I don't wonder that she didn't. I met that man in Chester. It was in May, when I was staying with them. He called at the house. She was present. I knew she had been engaged to him before. He was a most infernal scoundrel." [A tendency to excitement exhibited itself here, and his countenance assumed a fierce expression.] "He knew she was mine altogether. He knew she was mine. And afterwards the scoundrel goes to Wigwell. I am naturally of a jealous disposition, and when he called at Chester I spoke to her. I told her she ought to be very particular, as he had been engaged to her before. That was the only misunderstanding we ever had. Apparently she took what I said in good part. And that was the whole of it.

"At our last interview I could not get anything out of her at all about her change. I could get no information, good, bad, or indifferent. She gave no reasons. I was exasperated. Naturally so. The whole thing was so different to what I expected. I never imagined it was B. As a matter of course I could not, after what she wrote. I had thorough confidence in her up to then. She was the most deceitful person I ever met with in my life.

"I never contemplated killing her. The consequences would have been too horrible. They would have deterred me if I had thought of them. What I did was without thinking, and therefore without regard to consequences. I mean the consequences to others, not to myself.

"One of the knives in my pocket that day was very small—not an inch long. I had accidentially borrowed it from my mother. I had often more than one. The knife I committed the deed with I had purchased the day before. I did not know whom I might meet at Wigwell. I was afraid of personal violence. I never contemplated making use of it except in self-defence.

"I would rather not mention the name of the chief of those conspirators against me. I would rather not be pressed on that point. [Here he showed again some excitement.] I would rather not mention that name. He was the most inimical to me. But they were all conspiring to ruin me, touching me on the tenderest point—taking her away from me. Their motive was a personal dislike to me. B. was among them I have no doubt. He was in the plot. Mrs. Goodwin was not the chief conspirator.

"I don't say Bessie Goodwin was entirely passive. But she was acted upon. She was changed. She was made a devil and a fiend. When I met her that day, she was altered. She was not the same being I knew before. It was not only in the change of her affections; but in lying, in deceit, in everything else. So different from what I expected.

"Well, if you wish it, the chief conspirator was Dr. Goodwin. I had nothing particular of a difference with him. I knew he had a dislike to me. They had all an enmity in general to me. They would wound me in the tenderest point, and they could not have gone to work in a better way. It was to spite me; and they took the most effectual means. I had never done anything to injure them. That was the unreasonable part of it. I had suspected what was going on for some time; principally since she left Chester and went to Wigwell Hall. I began to see it in her letters. It was very slight; but I am of a suspicious, jealous nature. The change began when she went to Wigwell. They were all worthless who brought it about. I feel now it would be a good thing if all of them were swept off the face of the earth. But I had no power over them, or I should like to have got them out of the way.

"I never contemplated murdering her. I don't say I did destroy her; I only destroyed her body. I still say, as far as she was concerned, she was my property, and I could dispose of her. I don't think it would have been criminal in me to injure B. He has done me wrong. He is a scoundrel; he is dishonourable; and a man who so acted is not fit to live. I believe that Bessie Goodwin is still living—in another state of existence—in another world.

"Their only object was to injure me personally, and they had her there at hand. That was the means of doing it. I was away; they were there. I never suspected them of any conspiracy to destroy my prospects in life. It was only by taking her way. But they would be very glad now to destroy me, because I have taken what was my own. They were enemies of mine. They had taken an unreasonable dislike to me. Many people have done so, and I never could assign any reason for it. I have constantly met with people who took unreasonable dislikes to me, and I cannot account for it—not in any way. I never gave them offence.

"No, I never carried a pistol. I was in the habit of carrying a knife—for protection, for eating with, or anything. I carried one partly for protection of myself. I bought the knife with which the murder was committed the day before I went to Wigwell. It was partly for use—partly to protect myself. I never thought of killing Miss Goodwin with it.

"I suppose you are examining me to see if I am of sound mind. I infer this from the questions you put. I believe myself to be of perfectly sound mind. I am perfectly satisfied, and perfectly clear, and perfectly easy on the point of what I did. If I could not get back from any person an article belonging to me that had been unjustly taken, I should have a right destroy that person. You would have the same right in the like circumstances. I have only taken my own property. I don't view it as a crime. I do not value my own life, and I do not blame the law, though I do not think it is a right law. I believe there is such a thing as murder. It is more in the term than anything else.

The

The words do not apply to me. I have done nothing but what is right and proper. I cannot alter these opinions. You will see that I shall die with them. I do not consider what the result might be if everybody acted upon them. Circumstances have formed those notions in me, and I cannot change them. The result might be that each man would destroy the other, and perhaps it might be better that the world should be put an end to, and the whole human race swept off.

"I have no positive hope that my life will be spared. I have always looked at the worst side. I have never looked forward to anything else. I am not not feigning at all in this. I only pray to God that I might die at this minute, as I sit here, and then it would all be finished.

"I would not act as you describe in the instances named by you, because that would be acting so to a friend. But if a friend takes my property and refuses to give it back, he ceases to be my friend. He becomes my enemy; and a very bad enemy, because a treacherous one. I have no pity for those who have injured me without a cause. I loved Bessie Goodwin. But she ceased to be my friend. It was not a feeling of revenge I had against her. It was the desire to get back my property; and I am satisfied because I have reclaimed her. She is in my possession now, in fact. I shall have her when I leave here. At any rate she is waiting for me. I shall join her—in Heaven, or in some future state, some future existence.

"I believe in a future life, but not that it will be a condition of rewards and punishments. I cannot see that people should be accountable for what they had no control over. A murderer in my opinion stands as good a chance as any one else. I know that people in general think differently from this. I never talked to my father on the subject. My mother would be likely to know more about it, and about me and my opinions.

"I have not been in the habit of taking opium. When I have taken it, it has been in small quantities, and not even daily. I may have taken 25 drops at a time to make me sleep. I never drank. I have never been intemperate in any way.

"Before I committed the murder I tried to get her to say the name of the man who had replaced me, but she would not. I never mentioned B. to her then, because I did not, from what she had written to me, once *think* of *him*. I kept down my feeling at that time as long as I could. But it overpowered me. I was worked up to a pitch of madness. I certainly used no threats before I stabbed her. But I don't remember anything at the very last.

[Asked if he wished of himself to say anything to us]:—

"Nothing occurs to me. I don't know what there is I can say. As far as regards myself, I should prefer death but for the disgrace attached to that way of dying. For the sake of my parents I would prefer to have this sentence remitted; but if I were to die the very next moment afterwards I should be satisfied.

"For a long time before this deed I had never feared death. The chaplain talks to me quietly of religious subjects. But I have no wish to talk of religion. I am what I am. I am satisfied. What I do seek would be that the form of death should be altered. But I do not wish to press this if it be thought an unreasonable request."

Enclosure 2 in No. 3.

EXAMINATION of the Warders of Derby Gaol.

Henry Carrington, Chief Warder for 24 years.—I have seen a good deal of the prisoner Townley before and since his trial, generally three or four times a day. He seldom spoke to me. Never spoke to me of Miss Goodwin. I have remarked no difference at all in him. He never gives any trouble. If there had been any excitement I should have known of it. I saw something unusual one day after he had had an interview with some gentlemen in the office. I was taking him across the yard, and I found he staggered and took no notice when I spoke. I said "Why, Townley, what is the matter?" I handed him to the officer and told him of it, and I also told the Governor that he should be looked after in case of suicide. That was before the trial. I thought him a funny man. I thought his family a funny lot (the Townleys). He was more like a child—he was simple. The officer told me about a state he was in when he was excited, very much put about. That was before his trial. He is different from other prisoners under sentence of death, because he is so calm, and he seems to have no fear. I don't think he could shed a tear, but he never talked unreasonably, never like a man out of his senses.

Joseph Courtney, Warder.—I have been a warder nine years. I have had charge of the prisoner Townley ever since he came into the prison. Before and since the trial. I have been with him by day and by night. I have observed no difference in him. He has never given any trouble. I have thought at times he might injure himself if he had an opportunity. He never alluded to suicide. He was curious in his way of going about the yard in taking exercise. He was different from other people. In going round the yard he would stop and mutter to himself. Sometimes he would fix his eyes curiously on me—not as if he wished to do me an injury. His conversation was queer. He would

speak sometimes about Miss Goodwin. He would talk of her as his property, and did not seem to think he had done her any harm. He reads and sometimes writes, but I do not think he pays attention to what he reads. He is sometimes low. He is a very heavy sleeper. I have been with him 11 nights, and during the daytime since Tuesday last. I saw him the night of the trial. He was not at all disturbed. He said he had done right in disposing of his property. I could see no difference in him before and after the trial. He is not affected by the visits of his friends. He is never violent. I have often attended prisoners under sentence of death, and I think that Townley's conduct is different from that of any prisoner I have seen.

William Hind, Warder.—I have been here as a warder 19 years. I have been in attendance on the prisoner ever since he has been here either day or night. He has given no trouble. I see no difference whatever in him since the trial. He has been just the same, except on two occasions when he was more excited than I had before seen him. On the first occasion he received a letter, and in the first page there was something about his cruel sin. He scoffed and laughed, and then got quieter; that letter was anonymous. The second time he had another letter which was a very religious one—that he was entirely disgusted with; he was very much excited and said he would ask the Governor not to allow such letters to be sent to him. He jumped up, his eyes glared, and he turned blushing crimson red. He was in a great passion. That was six or seven days after the trial. I thought it would not have been safe to be with him alone unless assistance was at hand. He would seem excited when he talked of Miss Goodwin, and expressed surprise that he had been interfered with. He seemed to think he might do as he liked with her. I have constantly attended prisoners under sentence of death, but I never saw them conduct themselves as he has. He is in the habit of kneeling down before retiring to rest for 15 or 20 minutes.

Caleb Mountenay, Warder in the prison for seven years.—I have been in attendance on the prisoner Townley both at night and during the day since his trial. I saw him before his trial. He has always been quiet and given no trouble. I have never seen him excited. I saw him directly after the trial. He did not talk much to me. He never mentioned Miss Goodwin. He sleeps much during the day. More than at night. I have been with him nine days and five or six nights. Is not restless. He kneels down at night in a curious way on a chair for 15 or 20 minutes, leaning in curious way against the bed. He bursts out smiling like an idiot. Sometimes he will not speak. He is different from other prisoners I have had charge of. I compare him to an insane gentleman I had charge of for eight years, but he is not so like an idiot. He sometimes stands stooping, dull, and silent; then starts up and laughs. I have seen no excitement at all.

Samuel Banks, a Warder 13½ years.—I have only had charge of Townley since his trial. I have seen him day and night; by night up to Tuesday last. On the night of his trial he seemed full of thought. Seldom said anything to me. He has not spoken of Miss Goodwin. He stands in one attitude for a time, and then stares about. I never thought he would commit suicide. In the yard he sometimes stops and stares about him, but does not mutter. He seems different from other condemned prisoners I have seen. He rests better, and sleeps better, and seems not to think so much. He does not seem to feel his position, or to fear death. He seems to make light of it.

Enclosure 22, in No. 3.

EXAMINATION of Mr. and Mrs. *Townley*, Parents of the Prisoner.

Mr. *Townley* having been requested to make any statement which he thought would show the state of the prisoner's mind before the commission of the crime, said:—I was absent from home for three weeks previous to the murder, and I cannot speak to his state of mind at that time.

Early in life we remarked a want of power to transact business; he never seemed to be able to do a thing correctly. He would fall asleep over the simplest sum. I have lived amongst a very eccentric family, and therefore many peculiarities about my son would not strike me so much as they would others. I can hardly tell you what these peculiarities were: in trifles, in the expression of opinions on political, and occasionally on religious subjects, and particularly in a tendency to be nervously sensitive and excitable in matters that were comparatively trivial.

The views he now entertains with regard to his property in Miss Goodwin are quite new to me. I never heard him say that Dr. Goodwin, Mr. Harris, and others had combined to injure him.

The alleged reason for his leaving the first house of business he was in was, that he made an error in entering a bill in the register. But the firm afterwards told me that he was not competent for business, and that that was the real reason he was dismissed.

Mrs. *Townley* said:—The only change I see in my son since the trial is, that he is calmer and quieter. At one interview I had with him, when my sister alluded to the near approach of death, he said, "Why should I fear? I am innocent." There has never, to my knowledge, been the slightest feeling of remorse since the act, or the smallest consciousness of his having done wrong. When the engagement was broken off, I noticed a

particular

particular wildness in his eyes which I had never seen before, but he never made any kind of threat: he only seemed sorry. I think he had hopes of persuading her to change her mind.

Mrs. Goodwin did not go with the Wigwell party in objecting to the engagement, but early in the month of June, before the murder, she spoke to me against it. They had, in my opinion, over-persuaded her to go against what she had formerly supported. She then told me that her daughter was a woman of the world, and that George would not suit such a woman; that he ought to have a woman who was devoted to him, as he was jealous and exacting.

I did not myself think that Miss Goodwin was fickle.

Looking at what he was, and what he now is, he is a complete wreck. I think that this is the result of family disease, the whole family being more or less affected.

From conversation I have sometimes had with him on religious subjects, I think that the tendency of his mind might lead him to think that a man would be irresponsible if placed in peculiar circumstances.

Enclosure 23, in No. 3.

FURTHER EVIDENCE taken before the Commissioners in Lunacy.

Evidence of Mr. *Sims*, the Governor of the Gaol.

I SEE no difference between him now and before his trial, except that he looks like a man that has got rid of a weight, as if something had relieved him. He is more cheerful; he walks more erect; that is all that I have observed. He has conformed to all the regulations of the prison, and from the first has given us no trouble.

Evidence of Mr. *Gisborne*, Surgeon to the Gaol.

Mr. *Gisborne*.—I have been surgeon to the gaol 10 or 11 years. Since his trial I have conversed with the prisoner repeatedly on the old topic. I have found him much in the same condition of mind, with this exception, that he seems since to be more cheerful. I went to him immediately after his condemnation, and found him eating a hearty meal. He talked to me exactly as if nothing had happened. There was no levity, only indifference. He would as soon be executed as not. He spoke of things as most trivial which were most serious. I still think him of insane mind, and for the same reasons I gave at the trial. His manner is inconsistent with having committed such a crime; it is the very opposite of contrition; it is a great contrast with other condemned prisoners. He has been perfectly quiet and coherent since the trial.

Evidence of the Chaplain of the Gaol.

The Rev. *Henry Moore*, Chaplain.—I have been chaplain nine years. The only change I have seen in the prisoner is that he has been more disposed to trust in me lately, and to please me if he could. He has been looking better, and in better spirits the last week, than at any time since he came in. He did not say anything to me the night of his sentence. When he first came in I thought him not altogether safe; he had not the look of a sane man. I never have examined him about the murder. I never have asked him any questions about it; but the way he put it to me was that he had made Miss Goodwin more happy than before. I asked him, "How do you think so?" He said, "I have delivered her from the enemy." "What enemy?" "They were all against me; they were all plotting against me." "Who?" "I don't know, but they were all plotting against me." He never told me that he had a right to kill her; he never put it in that way. He said he would soon be with Bessie. He had no fear of death. Before this I thought him insane: I thought so from his looks. I said "That man is different from another man." He had a timid slouching way, an odd way. His manner often changes. He talks slowly and drawls in his dark moods; at other times he talks as rapidly as I should. I see a great difference in his looks at various times. He is careless of his dress sometimes, at other times as neat as possible. I have not given him the same attention I have given other prisoners in similar circumstances, because I find that I cannot make any impression upon him in the way of religious instruction.

[Below will be found an additional written statement, forwarded to us by the chaplain.]

The Chaplain begs permission to add what is on this paper to his statement made yesterday before the Commissioners.

Townley was sentenced on Saturday, the 12th December. Mr. Gordon came to the gaol on Sunday, the 13th instant, but was not allowed to see the prisoner, as he had not an order from a visiting justice, and the governor did not know who he was. On Monday, the 14th, he had an interview with him in his cell in my presence. When he came out of

the cell he said to me, "I have no doubt at all that the man is insane, and I should be afraid to be alone with him." We then walked together down to the office, and as several persons were then in the office no conversation took place with the governor; but a few days after, when Mr. Gordon called at the gaol, he stated to the governor, in my presence, that he believed Townley to be insane, and that if I had not been present he would have called in the two turnkeys.

Although Mr. Gordon had but one interview with the prisoner after trial, yet he was at the gaol four or five times.

Every statement in Mr. Gordon's letter to the public papers is correct, with the exception of his conveying the impression that the prisoner had sent for him. That was not so; he did not send for him, did not know him, and did not care to see him.

If having a wild and dangerous look be taken to indicate excitement, then Townley was excited at the interview with Mr. Gordon; but he did not move from his chair, nor did he move his arms more than usual. I had seen him with a similar look several times before trial, and therefore was not afraid of him; but Mr. Gordon not having seen him in that particular state before, would naturally be afraid of him.

(signed) *H. Moore*, Chaplain.

I would add, that I think the two days' attendance at the assize court had an injurious effect on him, but in the latter part of the week after trial he became greatly oppressed with sleep, and slept a good deal during the day. In the following week he looked better and brighter, and talked or conversed with more fluency.

Derby County Gaol. (signed) *H. Moore*, Chaplain.

Enclosure 24, in No. 3.

CERTIFICATE.

Derby County and Borough Gaol, 27 December 1863.

WE, the undersigned, William Thomas Cox, Thomas Boden Forman, and Thomas Roe, being three justices of the peace for the county or borough of Derby, as hereunder described, hereby certify that we, this day, attended at the county and borough gaol, situate in the said borough of Derby, and with the aid of Henry Goode of Derby, aforesaid, Doctor of Medicine, and Thomas Harwood of the same place, Surgeon, then and there proceeded to examine and inquire into the mental state and condition of George Victor Townley, confined in the said gaol under sentence of death; and we the said William Thomas Cox, Thomas Boden Forman, Thomas Roe, Henry Goode, and Thomas Harwood, further certify that the said George Victor Townley is insane.

(signed) *W. T. Cox*, Justice of the Peace for the County and Borough of Derby.
T. B. Forman, Justice of the Peace for the Borough of Derby.
Thos. Roe, Mayor of the Borough of Derby.
Henry Goode, M. B., M. R. C. S.
Thomas Harwood, Surgeon and Apothecary, and Medical Officer of the Derby Union.

Enclosure 25, in No. 3.

Mr. *Sims* to Sir *G. Grey*.

Sir, Derby County and Borough Gaol, 28 December 1863.

I HAVE the honour to inform you that on Saturday last the 26th instant, three local magistrates (Mr. W. T. Cox, Mr. T. B. Forman, and Mr. Thos. Roe) attended here with two local medical men (Dr. Goode and Mr. Harwood), for the purpose of examining George Victor Townley, but I thought it better that they should waive such examination until your commission had closed, and they did so.

They had a lengthened interview with the prisoner last evening, and agreed to and signed a certificate to the effect that he is insane.

This certificate was forwarded to you by last night's post, but time did not permit of its being accompanied by a letter of explanation which the five gentlemen who prepared and signed the certificate instructed me to write and forward to you.

I have, &c.
(signed) *J. H. Sims*,
Governor of the Derby County and Borough Gaol.

Enclosure 26, in No. 3.

Messrs. *Scott* and *Cox* to Sir *G. Grey.*

Sir, Derby County and Borough Gaol, 29 December 1863.

We have the honour to inform you that we attended at the Derby county and borough gaol this day, with Dr. Goode and Mr. Harwood (Surgeon), and examined George Victor Townley. We beg to enclose a certificate as to his insanity, signed by ourselves and Dr. Goode and Mr. Harwood.

We have, &c.

(signed) *Wm. Hugh Scott,* } Justices of the Peace for
W. T. Cox, } County of Derby.

Enclosure 27, in No. 3.

CERTIFICATE.

We, the undersigned, William Hugh Scott and William Thomas Cox, Esquires, two of Her Majesty's justices of the peace acting in and for the county of Derby, do hereby certify that we this day attended at the county and borough gaol, situate in the borough of Derby, in the said county of Derby; and, with the aid of Henry Goode, of Derby aforesaid, Doctor of Medicine, and Thomas Harwood, of the same place, Surgeon, did then and there proceed to examine and inquire into the mental state and condition of George Victor Townley, confined in the said gaol under sentence of death; and we, the said William Hugh Scott, William Thomas Cox, Henry Goode, and Thomas Harwood, further certify that the said George Victor Townley is insane.

As witness our hands this 29th day of December 1863.

(signed) *Wm. Hugh Scott,* } Justices of the Peace acting in and
W. T. Cox, } for the County of Derby.

Henry Goode, M. B., M. R. C. S.

Thomas Harwood, Surgeon and Apothecary, and Medical Officer to the Derby Union.

Enclosure 28, in No. 3.

WARRANT for the Removal of *George Victor Townley* to the Criminal Lunatic Asylum in St. George's Fields, in the County of Surrey.

The Right Honourable Sir *George Grey,* Baronet, one of Her Majesty's Most Honourable Privy Council, and Principal Secretary of State, &c., &c., &c.

WHEREAS by an Act passed in the third and fourth years of the reign of Her present Majesty, intituled "An Act for making further provision for the Confinement and Maintenance of Insane Prisoners," it is enacted, "That if any person while imprisoned in any prison or other place of confinement under any sentence of death, transportation, or imprisonment, or under charge of any offence, or for not finding bail for good behaviour, or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction, or order by any justice or justices of the peace, or under any other than civil process, shall appear to be insane, it shall be lawful for any two justices of the peace of the county, city, borough, or place where such person is imprisoned to inquire, with the aid of two physicians or surgeons, as to the insanity of such person; and if it shall be duly certified by such justices and such physicians or surgeons that such person is insane, it shall be lawful for one of Her Majesty's Principal Secretaries of State, upon receipt of such certificate, to direct, by warrant under his hand, that such person shall be removed to such county lunatic asylum, or other proper receptacle for insane persons, as the said Secretary of State may judge proper or appoint."

And whereas it has been certified to me, under the hands of William Hugh Scott and W. T. Cox, Esquires, two justices of the peace, and under the hands of Henry Goode, M. D., and Thomas Harwood, Surgeon, being persons authorised as aforesaid, that George Victor Townley, who was, at a gaol delivery holden in and for the county of Derby, on the 9th day of December 1863, convicted of murder, and had sentence of death passed upon him for the same, and who is now confined in the gaol for the said county, has become insane: And whereas the criminal lunatic asylum in St. George's Fields, in the county of Surrey, has been recommended to me as a fit and proper receptacle for the said lunatic: I do hereby

hereby, in pursuance of the Act of Parliament above recited, authorise and direct you to cause the said George Victor Townley to be removed from the said gaol to the said lunatic asylum, there to remain until further order shall be made herein, and for so doing this shall be your warrant.

Given at Whitehall the 30th day of December 1863, in the 27th year of Her Majesty's reign.

(signed) *G. Grey.*

To the High Sheriff of the County of Derby,
and all others whom it may concern.

Enclosure 29, in No. 3.

WARRANT for the Reception of *George Victor Townley* into the Criminal Lunatic Asylum in St. George's Fields, in the County of Surrey.

The Right Honourable Sir *George Grey*, Baronet, one of Her Majesty's Most Honourable Privy Council, and Principal Secretary of State, &c., &c., &c.

WHEREAS by an Act passed in the third and fourth years of the reign of Her present Majesty, intituled "An Act for making further provision for the Confinement and Maintenance of Insane Prisoners," it is enacted, "That if any person while imprisoned in any prison or other place of confinement, under any sentence of death, transportation, or imprisonment, or under charge of any offence, or for not finding bail for good behaviour, or to keep the peace, or to answer a criminal charge, or in consequence of any summary conviction, or order by any justice or justices of the peace, or under any other than civil process, shall appear to be insane, it shall be lawful for any two justices of the peace of the county, city, borough, or place where such person is imprisoned, to inquire, with the aid of two physicians or surgeons, as to the insanity of such person, and if it shall be duly certified by such justices, and such physicians or surgeons, that such person is insane, it shall be lawful for one of Her Majesty's Principal Secretaries of State upon receipt of such certificate to direct, by warrant under his hand, that such person shall be removed to such county lunatic asylum, or other proper receptacle for insane persons, as the said Secretary of State may judge proper and appoint."

And whereas it has been certified to me, under the hands of William Hugh Scott and W. T. Cox, Esquires, two justices of the peace, and under the hands of Henry Goode, M. D., and Thomas Harwood, Surgeon, being persons authorised as aforesaid, that George Victor Townley, who was at a gaol delivery holden in and for the county of Derby on the 9th day of December 1863, convicted of murder, and had sentence of death passed upon him for the same, and who is now confined in the gaol for the said county, has become insane: And whereas the criminal lunatic asylum in St. George's Fields, in the county of Surrey, has been recommended to me as a fit and proper receptacle for the said lunatic: I do hereby, in pursuance of the Act of Parliament above recited, authorise and direct you to cause the said George Victor Townley to be received from the said gaol into the said lunatic asylum, there to remain until further order shall be made herein, and for so doing this shall be your warrant.

Given at Whitehall the 30th day of December 1863, in the 27th year of Her Majesty's reign.

(signed) *G. Grey.*

To the Right Worshipful the President and Treasurer and the Worshipful the Governors of Bethlem Hospital, and all others whom it may concern.

No. 4.

Sir *G. Grey* to the High Sheriff of the County of Derby.

Sir, Whitehall, 28 December 1863.

I AM to signify to you the Queen's commands that the execution of the sentence of death passed upon George Victor Townley, now in the gaol at Derby, be respited until further signification of Her Majesty's pleasure.

I am, &c.
(signed) *G. Grey.*

No. 5.

Mr. *Waddington* to Mr. *Evans*, M. P.

Sir, Whitehall, 9 January 1864.

I AM directed by Secretary Sir George Grey to inform you, that since my letter of the 8th instant, a letter from the visiting justices of the county gaol at Derby, dated the 8th instant, has been received by him, which, though it relates to the case of Townley, does not allude to the inquiry into the mental state of the prisoner which was made by the justices of the peace and medical men, and I am to transmit to you a copy of their letter, and of the answer which has been sent to it. A letter has also been received by the Secretary of State of the same date from Mr. T. Leech, styling himself attorney for the prisoner, in which he asserts that it is not the fact that he was present, or took any part at any of the examinations as to the state of the prisoner's mind, and that he has not conversed on the subject with any of the justices or medical men who made such examinations, but that he has studiously abstained from doing so, and has in no manner attempted to influence or guide those whose duty it was to make the examination.

I am, &c.
(signed) *H. Waddington.*

Enclosure 1, in No. 5.

Mr. *Mundy*, M. P., to Sir *G. Grey.*

Sir, Derby County Gaol, 8 January 1864.

THE visiting justices of the county gaol at Derby think it incumbent upon them to make you aware of two minutes in the journal of their surgeon, as the presumption of the unsound state of mind of the prisoner George Victor Townley rests in great measure upon the medical testimony given at his trial.

Mr. Gisborne, the gaol surgeon, says, in his evidence on the trial on the 11th of December, that the prisoner was then in precisely the same state of mind as when he was brought into the gaol in August, and that that state was one of mental unsoundness.

In an entry in Mr. Gisborne's Journal, of the date of the 25th of August, the day after the prisoner was received into the gaol, he says:—

"I conversed with Townley some time on several topics; mind clear and collected—and satisfied."

And again, October 6th,—

"Townley in good health, mind, and body" (*sic* in the Journal).

Nor can the visiting justices find any subsequent entry to justify the supposition of his insanity. They, therefore, consider that they should ill fulfil their duty if they omitted to draw your attention to this remarkable discrepancy of opinion between the above-mentioned minutes in the journal, and the whole tenor of the evidence given by the surgeon at the trial.

I have, &c.
(signed) *W. Mundy*, Chairman.

Enclosure 2, in No. 5.

Mr. *Waddington* to Mr. *Mundy*, M. P.

Sir, Whitehall, 9 January 1864.

I AM directed by Secretary Sir George Grey to acknowledge the receipt of your letter of yesterday, regarding certain entries made by Mr. Gisborne, the surgeon of Derby Gaol, in his journal, in the case of George Victor Townley, and I am to express to you Sir George Grey's regret, that as the visiting justices attach importance to the discrepancy of opinion between the entries in the journal of the surgeon of the 26th August and 6th October, and the evidence given by him at the trial, they did not consider it right to inform the Secretary of State of these entries at an earlier period.

I am, &c.
(signed) *H. Waddington.*

No. 6.

Mr. *Waddington* to the Visiting Justices of the Derby County Goal.

Gentlemen, Whitehall, 9 January 1864.

I AM directed by Secretary Sir George Grey to request that you will inform me whether George Victor Townley has yet been removed to Bethlem Hospital under the order transmitted for that purpose on the 30th ultimo, and if not, I am to desire that the order may be acted on forthwith.

I am, &c.
(signed) *H. Waddington.*

No. 7.

Mr. *Mundy*, M. P., to Mr. *Waddington.*

Sir, Macheaton, Derby, 11 January 1864.

I HAVE the honour to inform you that in compliance with the order received yesterday for the removal of the prisoner G. V. Townley from the Derby County Gaol, he was was sent off this morning to the Bethlem Hospital.

I have, &c.
(signed) *W. Mundy*
Chairman of the Visiting Justices.

No. 8.

Mr. *Waddington* to Mr. *Evans*, M. P.

Sir, Whitehall, 9 January 1864.

WITH reference to the letter addressed by the county magistrates of Derby to Secretary Sir George Grey, forwarded by you on the 7th instant, I am directed to transmit to you a copy of a letter which he has received from the magistrates and medical men who signed the certificates of the insanity of G. V. Townley.

I am, &c.
(signed) *H. Waddington.*

Enclosure 1, in No. 8.

Mr. *Cox*, J. P., to Sir *George Grey.*

Sir, Derby, 8 January 1864.

I BEG to enclose you a letter signed by two borough magistrates and two medical men of Derby and myself. Mr. Scott, the other county magistrate, who signed the certificate of the 29th December last, and who was to have signed the enclosed letter, has suddenly been called into Scotland for the purpose of attending his sister's funeral.

I am, &c.
W. T. Cox, J. P., for the County and Borough of Derby.

The Right Hon.
Sir Geo. Grey, Bart., M.P.,
&c. &c. &c.

Enclosure 2, in No. 8.

Messrs. *Cox, Forman, Roe, Goode and Harwood* to Sir *Geo. Grey.*

Sir, Derby, 8 January 1864.

We, the undersigned Justices of the Peace for the county and borough of Derby, and medical men of Derby, who signed and forwarded to you two certificates as to the insanity of George Victor Townley, dated the 27th and 29th December last, having had our attention called to a memorial signed by certain "magistrates of the county of Derby," dated the 5th instant, beg to solicit your consideration of the following facts:—

Upon the trial of the prisoner, Mr. H. F. Gisborne and Mr. J. H. Sims, the surgeon, and governor of the gaol in which the prisoner was confined, deposed to the fact of the prisoner being insane at that period, viz., on the 11th of December, and the Rev. H. Moore (chaplain of the gaol) made a written report of the prisoner's insanity in his minute book for the inspection of the visiting justices early in the month of December; and we have been credibly informed and believe, that notwithstanding such evidence of the surgeon and governor, and report of the chaplain, none of the visiting justices or county magistrates, excepting ourselves, have visited the prisoner or taken any action whatever upon such evidence or report.

We beg to state that we entered upon the inquiry as to the prisoner's mental condition from a mere sense of duty, and we took considerable pains to ascertain the true state of his mind; on the one hand we believe our certificates to be perfectly true, whilst on the other we are assured that none of the county magistrates, who have signed the memorial of the 5th instant, have any personal knowledge of the subject matter of our certificates. Neither the prisoner's advisers, nor any of his friends, were present at our examinations, and they have in no way influenced our judgment, or attempted to do so.

We have, &c.

(signed) *W. T. Cox*, Justice of the Peace for the County and Borough of Derby.

T. B. Forman, Justice of the Peace for the Borough of Derby.

Thos. Roe, Mayor of the Borough of Derby.

Henry Goode, M. B. and M. R. C. S.

Thomas Harwood, Surgeon and Apothecary, and Medical Officer to the Derby Union.

The Right Hon.
Sir Geo. Grey, Bart., M. P.,
&c. &c. &c.

No. 9.

Mr. *Waddington* to the Governor of the County Gaol, Derby.

Sir, Whitehall, 19 January 1864.

I am directed by Secretary Sir George Grey to request that you will inform him by whose authority you admitted the two medical men who signed the certificates, dated respectively 27th and 29th of December, of the insanity of George Victor Townley, to visit and examine the prisoner; and also that you will state the date of such authority, whether it was given verbally or in writing, and if in writing that you will furnish Sir George Grey with a copy of it.

Sir George Grey also wishes to know whether any authority was given, and if so, by whom, to the borough justices who signed the first certificate to visit and examine the prisoner, and also who was present at each of the examinations of the prisoner on which the respective certificates were founded.

I am, &c.

(signed) *H. Waddington.*

No. 10.

Mr. *Sims* to Mr. *Waddington.*

Sir, County Gaol, Derby, 21 January 1864.

In answer to your letter of the 19th instant relative to George Victor Townley, I beg to inform you that the two borough magistrates, with W. T. Cox, Esq., a county magistrate, and the two medical men who visited and examined

the prisoner on the 27th of December, were admitted by the written authority of Wm. Mundy, Esq., Chairman of the visiting justices.

The two county magistrates and two medical men who visited and examined the prisoner on the 29th of December, were admitted by the written authority of T. W. Evans, Esq., one of the visiting justices.

A copy of each of the above orders is appended to this letter.

The chaplain, the medical officer of the prison, and myself, were the only persons present during the examinations, and neither they nor I took any part therein.

I am, &c.
(signed) *J. H. Sims.*

Enclosure 1, in No. 10.

Mr. *Mundy*, M.P. to Mr. *Sims.*

26 December 1863.

UPON the application of Mr. Leech, the solicitor for the prisoner G. V. Townley, I authorise you to admit Mr. Cox, and one or two other magistrates accompanied by two medical men, Dr. Goode and Mr. Harwood, to have an interview with Townley.

(signed) *Wm. Mundy.*

Enclosure 2, in No. 10.

Mr. *Evans*, M.P., to Mr. *Sims.*

Dear Sir, Allestree Hall, Derby, 29 December 1863.

PLEASE admit W. T. Cox, Esq., and another magistrate, Dr. Goode and Mr. Harwood, surgeon, to see the prisoner G. V. Townley.

Yours, &c.
(signed) *T. W. Evans.*

No. 11.

Messrs. *Evans* and *Mundy* to Sir *G. Grey.*

Sir, Derby, 15 January 1864.

WE beg to acknowledge the receipt of, and to thank you for, copies received yesterday of the papers referred to in Mr. Waddington's letter of the 9th instant.

They have to-day been laid before the visiting justices of the goal, and other magistrates assembled there, in whose name we are requested to send the following reply :—

The magistrates entirely agree that "it was impossible for you to refuse the inquiry recommended by the judge into Townley's state of mind." Nor do they allege that the inquiry could have been entrusted to more able persons, or to persons "likely to conduct it with greater impartiality and freedom from any preconceived bias or doubtful theories," than the Commissioners in Lunacy. Their report attests their possession of the high qualities which you ascribe to them. Those gentlemen however, are not equal in authority or in responsibility, or superior in qualifications, to Her Majesty's judges. Yet those great magistrates do not conduct their business in private, hearing only one side, and receiving evidence not upon oath. The objection is not to the Commissioners, as parties making the inquiry, but to the *ex parte*, and secret, and, so far as the public is concerned, the irresponsible manner of conducting it. When the lunacy of a person having property is in question the inquiry is public, both sides are fairly heard, and evidence taken on oath. Why should an inquiry involving the momentous issue of life or death, and which keenly affects the reasonable sense of justice in the masses of the people, be conducted in a less public and satisfactory manner than an inquiry touching property only?

The

The respite was received at the gaol of Derby before the second certificate of the 29th December, by two county justices and two medical men, had been sent from Derby. The first certificate, of the 27th of December (Sunday), we believe to be invalid on the face of it, for two reasons. Because it was made and dated on Sunday, and no such judicial act (as distinguished from a ministerial act) can legally be executed on a Sunday; and also because the borough justices had not any jurisdiction or authority to act in the county gaol.

On the application of Townley's solicitor, the visiting justices consented to a preliminary inquiry into the state of Townley's mind, for the purpose only of ascertaining whether there was sufficient ground for further and more formal investigation, not of sending a certificate to supersede or supply the place of that investigation. In a letter from Dr. Goode, one of the medical men who signed the certificate, published in the local papers of to-day, the doctor states that "some magistrates were applied to" (by whom?) "to make the necessary inquiry" as a preliminary to obtain Government "Commissioners." And yet they made that inquiry after the sole professed object of it had been attained, that is, after the inquiry by the Government Commissioners. Again the doctor writes thus: "No reasons were appended to it (the certificate) because it was decided to leave to persons more conversant the task of collecting and comparing the evidence of the Secretary of State." This shows decisively that Dr. Goode and his coadjutors did not intend to sign a document which would be obligatory upon the Secretary of State; and the magistrates submit to you that this certificate, being expressed in terms directly opposed to the publicly declared intention of those who signed it, ought not to have an effect contrary to such intention. Although it may be, in form, in accordance with the provisions of the Statute, yet the fact of so important a document which arrests the course of justice, and substantially transfers the power of life and death from the Crown to two justices and two medical men, put in motion by the prisoner's solicitor, who accompanied them to the gaol, but was not present during the examination, calls for an inquiry into the origin and progress of so unusual and remarkable a proceeding, and the magistrates again urge upon you the necessity of such an inquiry.

The magistrates did not, as your note imports, profess to have any peculiar "information as to the expenditure of money by Townley's friends," nor did they express any belief as to the manner in which such money had been expended. They stated simply the fact that the effect of the respite had been "to create a feeling that justice had been turned aside by the power of money." This feeling does not appear to have diminished, and is supported by the all but unanimous opinion of the press.

The magistrates cannot assent to your proposition, that the case of Clarke, to which you refer, affords satisfactory proof that "the course taken with rregard to Townley is one which it required no expenditure of money to obtain, and which would equally have been taken had Townley and his friends been poor." For in Townley's case, an order was made for his removal to Bethlem; that order was founded upon a certificate obtained by the agency of Townley's solicitor and friends, which did require expenditure of money. No such certificate was obtained, nor expenses incurred, in Clarke's case. In his case the judge reported that "his conduct at the trial was of the most eccentric and extraordinary description." Townley's conduct on his trial was calm and collected. In Clarke's case the judge acted upon his own observation of the prisoner's demeanour at the trial. Townley's removal to Bethlem was effected by the agency of his solicitor and by the expenditure of money.

The entries in the "Surgeon's Journal," copies of which were sent to you by Mr. Mundy, had been recently discovered, and were sent to you as soon as they were discovered.

It is stated by the justices and medical men who signed the certificate sent to you, that on Townley's trial, Mr. Sims, the governor of the gaol, "deposed to the fact of his being then insane." That statement is incorrect. Mr. Sims neither did depose to his insanity, nor was the question put to him. What Mr. Sims said, as appears by the judge's notes, was Townley's "behaviour and conduct is precisely the same during all the time he has been under my custody." Evidence was offered of Townley's insanity, but the jury, under the

direction of the judge, came to a different conclusion. If the chaplain had been prepared at the time of the trial to depose to Townley's insanity, and to sustain a cross-examination on that point, why was he not called as a witness for the defence?

The magistrates have not said, nor supposed, that "a similar course under similar circumstances would not be adopted" by you "in the case of a poor as of a rich man." If Townley is really not criminally responsible, he is not a proper object of punishment, but the irresponsibility which is to exempt him from punishment should be established by a fair public inquiry; and the magistrates believe that if satisfaction be not given to the public by such an inquiry, the feeling will remain that Townley has escaped by means accessible to the rich, but out of the reach of the poor.

The Report made to you by the Lunacy Commissioners on the 28th of December seems to the magistrates not to support the certificate of the two justices and two medical men, but to show that Townley is now by law criminally responsible, and that the further inquiry sought by the magistrates ought to be made. The Commissioners, after referring to their examination of the officials, proceed to say :—

"The result of this examination of the officials of the prison may be stated briefly, as in effect establishing, without dispute, that there has been substantially no change in the prisoner's mental state since the trial; that such difference or alteration as may have been noted has been an improvement, and that he has been altogether more at ease, more resigned, and at times even cheerful since the sentence was passed upon him. Not at any time since he was first brought to the gaol, according to the testimony of all who have had the means of watching him closely, does he appear to have been more rational than he is at present."

In a subsequent paragraph they say :—

"In view of the extravagant opinions thus deliberately professed by him" (the details are appended to the Report), "of his extraordinary perverted moral sense, and of the hereditary taint alleged, and apparently proved, to have existed in the family of the prisoner's grandmother, we cannot consider him to be of sound mind; but his views of right and wrong, false as they are, appear to have been coherently acted upon, and with a full sense of what they involved. He reasons now as he acted in committing the murder."

And they conclude their Report thus :—

"Being of opinion, therefore, that the prisoner continues to be now in the same mental state as when he committed the murder, and underwent his trial, we think that, applying the law as laid down by Mr. Baron Martin to this case, the prisoner George Victor Townley was justly convicted."

The magistrates infer from this Report that a man may be not of sound mind in a psychological sense, and yet be criminally responsible in a legal sense. And Mr. Gisborne, surgeon to the gaol, has to-day made to the visiting justices the following statement :—

"I did not call the attention of the visiting justices to the state of Townley's mind, because I did not consider him legally insane."

In the instructions to the Commissioners, it is stated that "Sir George Grey is of opinion that the verdict of the jury, in which Mr. Baron Martin concurs, decides the question as to the sanity of the prisoner at the time when the crime was committed."

And as the Commissioners have reported Townley to be in the same mental state as when "he committed the murder," and that he was "justly convicted," it seems impossible to escape the conclusion that he is now criminally responsible. The verdict established the sanity of Townley at the time of the murder. The Commissioners' Report declares that there has not been any unfavourable change, and therefore shows his sanity now.

The magistrates, therefore, being now confirmed in their view by the Report of the Lunacy Commissioners, again urge upon you the propriety and necessity

of

of causing a full public inquiry to be made into Townley's state of mind, and his criminal responsibility.

If the existing legal machinery is not deemed equal to the occasion, the meeting of Parliament is at hand, when the defect may be supplied.

We are, &c.

(signed) *T. W. Evans*, Chairman of the Quarter Sessions.
W. Mundy, Chairman of the Visiting Justices of the Gaol.

No. 12.

Mr. *Waddington* to Messrs. *Evans* and *Mundy*.

Gentlemen, Whitehall, 20 January 1864.

I AM directed by Secretary Sir George Grey, to acknowledge the receipt of your letter of the 15th instant, which he received on the 18th instant.

While the magistrates in whose names that letter was written, entirely agree that it was impossible for the Secretary of State to refuse the inquiry recommended by the judge into Townley's state of mind, they appear to think that the inquiry could have been conducted in the same manner as an inquiry in the case of a Commission of Lunacy directed by the Lord Chancellor, where the sanity of a person possessed of property is in question. They ask, "Why should an inquiry involving the momentous issue of life or death, and which thereby affects the reasonable sense of justice in the masses of the people, be conducted in a less satisfactory manner than an inquiry touching property only?" The answer to the question is, that in one case the legislature has prescribed the manner of inquiry, and has provided the means of its being publicly conducted; the evidence being taken on oath before a jury, and a legal Commissioner specially appointed to preside over it, or one of the judges, if the Chancellor shall so direct. In the other case no such provision has been made. It was not therefore in the power of the Secretary of State to direct such an inquiry, nor is it in his power to direct a public inquiry, with evidence on oath, into the state of mind of any person. The inquiry which he did institute in order to obtain the information which was requisite to solve the doubt suggested by the judge, and to guide him in the discharge of his duty, was necessarily of the same nature as those which have on previous occasions taken place in cases in which, notwithstanding the conviction of a person of a capital offence, doubts have been suggested as to whether, owing to his state of mind, the sentence of the law should be carried into effect.

As the actual order of removal to Bethlem Hospital was founded on the certificate of the 29th December, signed by two county magistrates, the validity of which you do not impugn, it is scarcely necessary to advert to your statement as to the alleged invalidity of the first certificate. I am, however, to inform you that the Secretary of State is advised that its being signed on a Sunday did not render it invalid, as it was not a judicial act within the meaning of the rule stated by the magistrates; and that although it was signed only by one county justice, the other two magistrates being justices for the borough only, the terms of the statute are not free from doubt as to whether the borough justices had, or not, authority to sign it.

You inform Sir George Grey that, in the opinion of the magistrates, Dr. Goode and his coadjutors (meaning thereby, it is presumed, the justices who signed the certificates), did not intend to sign a document which would be obligatory on the Secretary of State, and they "submit that the certificate being expressed in terms directly opposed to the publicly declared intention of those who signed it, ought not to have an effect contrary to such intention." No statement which could support this opinion has ever been received by Sir George Grey from any one of the magistrates or medical men by whom either of the certificates were signed, and until he read this passage in your letter it never occurred to him as possible that in signing the certificates and forwarding them to the Secretary of

State, the persons certifying were not fully aware of the nature and effect of their certificate, or that they did not intend that it should be dealt with by the Secretary of State in conformity with the statute, with the provisions of which they had carefully complied. After the doubt, however, which you have suggested on this point, Sir George Grey has thought it right to call on the magistrates for an explanation of the course which they took upon this occasion, and for any observations they may have to make as to this part of your letter, and also as to the assertion that "Townley's removal to Bethlem was effected by the agency of his solicitor, and by the expenditure of money." He has also desired the Governor of the gaol to inform him by whose authority he admitted to visit and examine the prisoner, the two medical men who signed the certificates, and the two borough justices who signed the first certificate, assuming you to be correct in saying that they had no authority to act in the county gaol, though situated within the borough.

With regard to the entries in the "Surgeon's journal" of the 25th August and 6th October, which the visiting justices for the first time brought under the notice of the Secretary of State in their letter of the 8th instant, Sir George Grey can only repeat the expression of his regret, that considering the importance now attached by the visiting justices to these entries, they wholly overlooked them for so many months, and did not discover them, and sent copies of them to the Secretary of State till it was too late to render them of any practical use.

You say that the Report made by the Lunacy Commissioners on the 28th December, seems to the magistrates not to support the certificate of the two justices and two medical men. Sir George Grey has already informed you that he was not called upon to act upon that Report alone. Had he been so, although the Commissioners say that for the reasons set forth in their Report, they could not consider Townley to be of sound mind, Sir George Grey yet would not have felt justified, from the general tenour of the Report, in assuming that his unsoundness of mind was such as to exempt him from the penal consequences of an act for which, according to the law laid down by the learned judge, he was legally responsible. But whatever was the purport and character of that Report, it could not affect the validity of the certificate. In one point of view only was the opinion of the Lunacy Commissioners that Townley was not of sound mind material. It gave this additional weight to the certificate, that it precluded the Secretary of State from supposing, what he would in any case have been reluctant to do except on the clearest proof, that four magistrates and two medical men had, without any probable grounds, and with the wilful and deliberate intention of obstructing the course of justice, signed a certificate of Townley's insanity. Had any magistrate thus wantonly and corruptly abused the power with which his office invested him, it is unnecessary to say that he would have proved himself wholly unfit to be continued in the commission of the peace, and would have rendered himself liable to a criminal information.

Whether any alteration should be made in the law applicable to a case of this nature is a question which will not fail to receive consideration, but it is one into which Sir George Grey does not think it necessary to enter in this letter.

I am, &c.
(signed) *H. Waddington.*

No. 13.

Mr. *Waddington* to the Mayor of Derby.

Sir, Whitehall, 19 January 1864.

I AM directed by Secretary Sir George Grey to transmit, for your perusal, the enclosed extracts from a letter which has been addressed to him by the magistrates of the county of Derby.

The first of these passages suggests a doubt as to whether the magistrates who signed the certificates of insanity in the case of George Victor Townley, were

A similar letter was addressed to J. B. Forman, Esq., Justice of the Peace, Derby.

were aware of the nature and effect of the act which they so performed, the certificate being, it is alleged, expressed in terms directly opposed to the publicly declared intention of those who signed them.

It also states that the Justices and medical men were put in motion by the prisoner's solicitor; and the second passage distinctly asserts that Townley's removal to Bethlem Hospital, which was the legal consequence of the certificate of the 29th December, was effected by the agency of his solicitor, and the expenditure of money. Sir George Grey thinks it right to call upon you, as one of the magistrates who signed the certificate of the 27th December, for an explanation of the course which you took on that occasion, and for any observations which you may have to offer upon the statements thus addressed to the Secretary of State, on the authority of the Chairman of Quarter Sessions for the county of Derby, and of the Chairman of the Visiting Justices of the county gaol.

I am, &c.
(signed) *H. Waddington.*

No. 14.

Mr. *Waddington* to Mr. *Scott*, J. P.*

Sir, Whitehall, 19 January 1864.

I AM directed by Secretary Sir George Grey to transmit, for your perusal, the enclosed extracts from a letter which has been addressed to him by the magistrates of the county of Derby.

The first of these passages suggests a doubt as to whether the magistrates who signed the certificates of insanity in the case of George Victor Townley, were aware of the nature and effect of the act which they so performed, the certificate being, it is alleged, in terms directly opposed to the publicly declared intention of those who signed them.

It also asserts that the Justices and medical men were put in motion by the prisoner's solicitor; and as the second passage distinctly asserts that Townley's removal to Bethlem Hospital, which was the legal consequence of the certificate of the 29th December, was effected by the agency of his solicitor, and the expenditure of money, Sir George Grey thinks it right to call upon you, as one of the magistrates signing that certificate, for an explanation of the course which you took on this occasion, and for any observations which you may have to offer upon the statements thus addressed to the Secretary of State, on the authority of the Chairman of Quarter Sessions for the county of Derby, and of the Chairman of the Visiting Justices of the county gaol.

I am, &c.
(signed) *H. Waddington.*

No. 15.

Mr. *Waddington* to Messrs. *Evans* and *Mundy*.

Gentlemen, Whitehall, 23 January 1864.

WITH reference to my letter of the 20th instant, I am directed by Secretary Sir George Grey to transmit to you the enclosed copies of letters which have been addressed to him by three of the magistrates who signed the certificates of insanity in the case of George V. Townley.

I am, &c.
(signed) *H. Waddington.*

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* A similar letter was addressed to W. T. Cox, Esq., Justice of the Peace, Derby.

Enclosure 1, in No. 15.

The Mayor of Derby to Mr. *Waddington.*

Sir, Derby, 22 January 1864.

I HAVE the honour to acknowledge the receipt of your letter of the 19th instant, with enclosures, which I have carefully read, and I beg to state in reply to the first of the passages mentioned by you, that there was no doubt whatever existing on the minds of my brother magistrates and myself as to the "nature and effect of the Act" performed by us in certifying to the insanity of George Victor Townley. Before we signed the certificate dated the 27th December 1863, the Act of Parliament bearing on the case was read and fully discussed and understood by us.

With reference to our being "put in motion by the prisoner's solicitor," this is untrue, if by these words the Derbyshire magistrates wish to impute that any unjust or unlawful means were adopted to induce us to take the steps we did; and it is only by the words previously quoted, viz., "put in motion," that I surmise the Derbyshire magistrates would imply that "Townley's removal to Bethlehem was effected by expenditure of money."

I have only to add that I did not take part in nor do I know of any act performed by my brother magistrates or myself in this business which did not arise from pure and conscientious motives.

I am, &c.
(signed) *Thos. Roe,* Mayor.

Enclosure 2, in No. 15.

Mr. *Forman* to Sir *G. Grey.*

Sir, Derby, 22 January 1864.

I BEG to acknowledge the receipt of your letter of the 19th instant, with enclosure, and to thank you for the opportunity you have thus afforded to me of giving you a full explanation of the course which I took with regard to the case of George Victor Townley, and of answering the statements as far as they affect me contained in the letters addressed to you by the magistrates of the county of Derby.

On the 26th December I was requested by Townley's solicitor to attend at the gaol, in company with other magistrates and two medical men, for the purpose of examining Townley, and reporting to you our opinion as to his state of mind. I felt and expressed great reluctance to take any action on the matter; but after full consideration I consented to do so. I was at that time entirely ignorant of the provisions of the Act of 3 & 4 Vict., c. 54, and of the powers thereby given.

On Sunday, the 27th December, Mr. W. T. Cox, the mayor, Dr. Goode, Mr. Harwood, and myself, had a long interview with the prisoner. Mr. Harwood has been surgeon to the Board of Guardians for upwards of twenty years, and in that capacity has examined most of the pauper lunatics sent from Derby to the asylum during that period. Dr. Goode has also had considerable experience in cases of lunacy. Mr. Harwood, from his great experience, appeared to us to be the most proper person to conduct the examination of Townley, which he mainly did, and to our entire satisfaction.

I entered upon the inquiry without any bias, and with a sincere desire to arrive at a just decision. I do not claim to be an expert, nor to be better able than other non-professional men to form a correct opinion on such a subject; nor do I profess to understand the difference between insanity and unsoundness of mind; but I judged of the prisoner's mental condition to the best of my ability, and I came to the conclusion that he was insane. Our decision was unanimous; the chaplain, surgeon, and governor of the gaol, who had been present during our examination, entirely concurred in that decision; and to sign at once the legal certificate was, in my opinion, the only course open to me, considering my conscientious conviction of the prisoner's insanity.

For myself I deny the allegation of the Derbyshire justices, that the certificate was expressed "in terms directly opposed to the publicly-declared intention of those who signed it." Before entering upon the examination, I read carefully the clause in the Act 3 & 4 Vict., c. 54, and knew perfectly well what I was doing.

The justices' letter asserts that "Townley's removal to Bethlem was effected by the agency of his Solicitor, and by the expenditure of money." If by this they intend to convey the impression that I was in any way unduly influenced, by money or any other consideration, they assert that which is entirely untrue. If they know, or have reason to believe, that money has been improperly used, they ought in common fairness to state in what manner it has been applied, instead of, by implication, casting suspicion on all concerned. If, on the contrary, they have no knowledge on the subject, they have no right to insinuate a charge of so serious a character, which they cannot substantiate.

I was admitted to see the prisoner by the order of Mr. Mundy, Chairman of the Visiting Justices. I was not aware of the circumstances under which that order was obtained, but Mr. Mundy himself has thrown light upon it by his speech at Quarter Sessions on the 5th January, from which I quote, as reported in the "Derby Mercury" of the 6th January:—

"The day after Christmas Day I received an application from the attorney for the defence that

that two or three magistrates and two medical gentlemen, should be allowed to see the prisoner; and having been made acquainted with the Act of Parliament which authorised such an interview, I felt that I had no alternative but to do so."

How Mr. Mundy, on a careful perusal of the clause in the Act of Parliament referred to, came to the conclusion that, supposing the "two or three magistrates and two medical gentlemen" believed Townley to be insane, any other consequence could result than that which actually followed, I am at a loss to know.

In conclusion, I again beg to disclaim being influenced by any other than a conscientious desire to give an unbiassed opinion.

I have, &c.
(signed) *Thos. B. Forman.*

Enclosure 3, in No. 15.

Mr. *Cox* to Sir *G. Grey.*

Sir, Spondon Hall, near Derby, 22 January 1864.

I BEG to acknowledge the receipt of Mr. Waddington's letter, dated the 19th instant, inclosing some extracts from a letter which has been addressed to you by certain magistrates of this county, and calling upon me as one of the magistrates who signed the certificate of the insanity of George Victor Townley, dated the 29th December ultimo, for an explanation of the course pursued by me on that occasion.

I cannot only have no objection, but I am happy to avail myself of the opportunity thus afforded me to state fully the steps taken by me in the matter referred to.

On the evening of the 25th December, Mr. Leech, the prisoner's solicitor, called at my residence and desired to see me; and after explaining that an Act of Parliament provided that on a certificate of a prisoner's insanity being signed by two justices of the peace and two medical men, the Secretary of State should have power to respite such prisoner, requested me in my capacity of magistrate to make a judicial inquiry into Townley's state of mind. Mr. Leech also informed me that he had endeavoured to obtain the services of other magistrates for the same purpose, but without success; and he named Sir Henry Wilmot (one of the visiting justices of the county gaol), who had declined to act as (being an elderly man) "he did not feel equal to it;" and Mr. Devas (also one of the visiting justices), whom he (Mr. Leech) had found was from home.

Believing it my duty to do so, I consented to enter upon the inquiry, and on the following day I proceeded to the county gaol, where I found two other magistrates for the borough of Derby, viz., the mayor and Mr. Forman, together with two medical men, viz., Dr. Goode and Mr. Harwood. As, however, we were informed by the governor of the gaol, that the Lunacy Commissioners were then with the prisoner (Townley), we decided, after waiting some considerable time, to postpone our examination until the following day, so as not in any way to interfere with the commissioners. Accordingly, on the afternoon of the next day, the 27th December, we again met at the gaol. Previous to examining the prisoner, I requested to be informed of the exact purport of the Act of Parliament under which we were proceeding; whereupon the governor of the gaol himself produced the Act, and it was read aloud, in the presence of my fellow-magistrates and myself, and the medical men before named, the surgeon and chaplain of the gaol being also present.

We then proceeded to examine the prisoner, which we did at great length, and with the utmost care; my two fellow-magistrates and myself, the two medical men, and the governor, the surgeon, and the chaplain of the gaol, being the only persons present.

Having thoroughly convinced ourselves by such examination that the prisoner's mind was diseased to such an extent as to free him from all legal and moral responsibility, the form of certificate was prepared by the governor's clerk, and was then signed by the mayor, Mr. Forman, and myself, and by Dr. Goode and Mr. Harwood. Immediately after our signing the certificate, the governor expressed his great gratification and approval of what had been been done, adding that "now Townley could not be hanged."

On the Tuesday following (December 29) I was again applied to by Mr. Leech, who stated that a doubt had occurred to him whether, in point of form, the certificate of Townley's insanity ought not (in order to comply with the provisions of the Act of Parliament) to have been signed by two county magistrates, and that to obviate any objection on that ground he had requested Mr. Scott, of Draycott, a magistrate for the county, to join with me in a fresh examination of the prisoner. I then saw Mr. Scott, who at first appeared reluctant to enter upon the examination, stating that he did not think it would be fair for him to do so, as he was so strongly prejudiced against the prisoner, and (to use Mr. Scott's own expression) "wished him hanged at all costs." I replied that I thought such a prejudice only made him the more fit person to make the enquiry; and we then proceeded to the gaol, and entered upon a second examination—equally careful with the first—as to Townley's state of mind; the same persons being present as before, except that Mr. Scott took the place of Mr. Forman and the mayor.

The examination having been concluded by Mr. Scott expressing himself to me as entirely convinced of Townley's insanity, and as I myself saw no reason to alter my opinion, but on the contrary was confirmed in it by what had passed, the certificate dated the 29th of December was then prepared and signed. I may add that on leaving the prison Mr. Scott expressed to me his gratification at having been called upon to make the investigation, stating

ing that notwithstanding his previous, very strong prejudice against the prisoner, he was now convinced that he (Townley) was perfectly insame, and that it "would be a sin to take away his life."

I have now, I believe, stated every particular respecting the origin and progress of the inquiry, which resulted in the certificates of the 27th and 29th of December, so far as I was concerned in it. With respect to the statements contained in the magistrates' letter of the 15th instant, I cannot of course say with what views the visiting justices (viz., Mr. Mundy, in the first instance, and Mr. Evans, in the second), granted the orders of admission under which my fellow magistrates and myself had access to the prisoner, on our making the examination above-mentioned. On this point I can only state that I distinctly understood from Mr. Leech that, on applying to Mr. Mundy for the requisite order, he expressly stated to him the object which he (Mr. Leech) had in view in requesting it, and the Act of Parliament which it was sought to put in force.

Neither I nor, I believe, the magistrates who acted with me were ever requested to make the inquiry which we subsequently made "as a preliminary to obtain Government commissioners." I fully understood, both from Mr. Leech and also from a perusal of the Act, what was the nature of such inquiry and what would be the effect of the certificate which I afterwards signed. Being conscientiously of opinion that George Victor Townley was insane (an opinion the result of the examination I had made, and not in the slightest degree caused or arrived at in any other way, or by any other means), I signed the certificate in each instance, with the intention that it should be acted upon by you, sir, as Secretary of State, in the manner in which it has been.

Nothing was ever said as to "appending any reasons to the certificates." No such question was ever mooted from the commencement of the inquiry to the signing of the certificates; and how or by whom it could have been "decided (as appears to have been since stated by Dr. Goode) to leave to persons more conversant the task of collecting and comparing the evidence for the Secretary of State," I am altogether ignorant and unable to conceive.

It is perfectly true that on the occasion of both examinations I was applied to by Mr. Leech, the solicitor who conducted the prisoner's defence on his trial; but this did not appear to me to be any sufficient objection to my entering upon the inquiry which he requested. It was necessary, of course, for some one to take the initiative, and it seemed to me nothing beyond what was natural and proper that the prisoner's family should be anxious for an inquiry to be made, so that the Act might be put in force, if (as they no doubt believed to be the case) the prisoner should be found to be a fit subject for its exercise. That my opinion was in the slightest degree biassed or influenced, or attempted to be biassed or influenced, by Mr Leech or any friend of the prisoner's I most positively deny; neither (as I have before stated) was Mr. Leech present during the inquiry.

With regard to the statement of the magistrates in their letter of the 15th instant, that Townley's removal to Bethlem Hospital was effected by the expenditure of money, I can only say that I am entirely ignorant as to any and (if any) what expenditure there has been in the matter. Some expense may possibly have been incurred (though as to this I have no knowledge) by Townley's family or friends in engaging the services of Mr. Leech; and beyond this I do not suppose the magistrates' remark was intended to extend. If, indeed, they can have intended to insinuate that the opinion or acts of myself or the magistrates or medical men who acted with me in signing the certificates of the 27th and 29th of December were directly or indirectly in any way so influenced, I beg, as regards myself, to give such an insinuation my most unqualified and indignant denial; and as regards each and all of those who acted with me to express my entire conviction that it is utterly unfounded.

If on any point relative to the matters referred to in Mr. Waddington's letter of the 19th instant (which I may add I did not receive until yesterday), I have been less explicit than I have wished to be, and you should desire a fuller explanation, I shall be most happy to afford it you.

I am, &c.
(signed) *W. T. Cox*,
Justice of the Peace for the County and Borough of Derby.

No. 16.

Mr. *Waddington* to Messrs. *Evans* and *Mundy*.

Gentlemen, Whitehall, 25 January 1864.

With reference to my letter of Saturday, I am directed by Secretary Sir George Grey, to transmit to you the enclosed copy of a letter which he has received from Mr. Scott, the second county magistrate by whom the certificate of the 29th of December, of the insanity of George V. Townley, was signed.

I am &c.
(signed) *H. Waddington.*

Enclosure in No. 16.

Mr. *Scott*, J. P., to Sir *G. Grey*.

Sir, Draycott House, 23 January 1864.

In reply to your letter of the 19th instant, which was only received yesterday, I beg to inform you that when I signed the certificate, on the 29th December last, of the insauity of George Victor Townley, I was unaware of its effect as regarded its obligation on you; and I should have taken an earlier opportunity of informing you of this, had I not been led to believe, from the fact of the respite being granted before the certificate of the 29th December had been received by you, that you had throughout acted on the first certificate.

I was never in any way influenced by the prisoner's solicitor, being in the first ins ance applied to by the surgeon of the gaol (Dr. Gisborne), who sent over a note to me, on the morning of the 29th December, urgently requesting my attendance at his house that afternoon, on the subject of Townley's insanity, where the necessity of my presence "would be fully explained." This explanation was never given, as Mr. Gisborne neither received me at his house, nor appeared until late on the same afternoon. I met my brother magistrate Mr. Cox there, and Mr. Leech, the prisoner's attorney, who informed us that a meeting was to be held at the county gaol at 3 o'clock, requesting us to be there. I then found it was for the purpose of being present at a private examination into the state of Townley's mind that I had been sent for. We were then joined by Dr. Goode and Dr. Harwood; the prisoner was then brought before us, and examined by us for two hours.

During that time I became convinced, and my conviction still remains, that the prisoner was of unsound mind, and my own judgment was strengthened and confirmed by the opinions then expressed by the governor and chaplain of the gaol.

The certificate was then signed by me, in the belief that I was merely certifying my own conviction of the insanity of Townley.

I know nothing whatever of any expenditure of money in the business.

I am, &c.
(signed) *Wm. Hugh Scott.*

No. 17.

Mr. *Waddington* to Mr. *Harwood*, Medical Officer to the Union, Derby.

Sir, Whitehall, 20 January 1864.

I am directed by Secretary Sir George Grey to state to you that as in your signature to both the certificates of insanity of George Victor Townley which were sent to him, you described yourself as a surgeon, Sir George Grey could not doubt that you were so; but having now received a letter informing him that you are not a surgeon, Sir George Grey requests that you will inform him whether the description which you gave of yourself is correct, and, if so, of what college of surgeons you are a member.

I am, &c.
(signed) *H. Waddington.*

Mr. *Harwood* to Mr. *Waddington*.

Sir, Derby, 21 January 1864.

I have the honour to acknowledge the receipt of your letter of yesterday's date, and in answer thereto I beg to state, for the information of Sir George Grey, that I am not a member of any college of surgeons. In making this frank avowal I hope I may be permitted to give the following brief explanation.

During my studentship in London in the years 1817 and 1818, it was not the invariable practice to seek the membership of the College of Surgeons. Many of my fellow-students and myself, after becoming licentiates in medicine under the Apothecaries' Act of 1815, proceeded into our respective districts, and, as there was no law to prevent us, we entered upon private practice as surgeons and medical practitioners. In this capacity I have practised in Derby 43 years, during the last 20 years of which I have in the course of my public duties had to take charge of the pauper lunatics of this town and suburbs, and to certify, under the Pauper Lunatics' Act (being under that Act equally entitled with physicians and surgeons to do so), as to their mental condition and the propriety of sending them to asylums for their future care. The number of cases

of this description upon which I have to determine, after examination, averages about 25 per annum.

From my well-known experience in cases of mental disease, I was, in the instance of George V. Townley, requested by the justices and medical men then present to undertake the principal post in the examination of the prisoner's mind. Fully impressed with a deep sense of the responsibilities of the duties, and after careful and lengthened examinations, the justices and medical men declared themselves satisfied that George Victor Townley was of unsound mind—more especially manifested when under that part of the examination which had reference to his criminal offence.

Accordingly, in signing the certificate, I considered I was fulfilling the same duty as I am so frequently called upon to do under the Pauper Lunatics' Act—not for a moment supposing there was any material variation in the law as regards criminal or pauper lunatics. I hope, therefore, Sir George Grey will not see any necessity for hesitating upon the certificates he has received.

The discussion on this subject has caused me great annoyance, being at an age when retirement would be more desirous to me than notoriety; and with my experience in connection with lunacy, I trust I shall be spared the pain of observing any departure from the certificates on the mental condition of George V. Townley.

I have, &c.
(signed) *Thomas Harwood.*

No. 19.

Mr. *Waddington* to Dr. *Meyer*, Medical Superintendent, Broadmoor Criminal Lunatic Asylum.*

Sir, Whitehall, 23 January 1864.

I AM directed by Secretary Sir George Grey to request that, in conjunction with Dr. Helps and Dr. Bucknill, you will visit and examine into the state of mind of George Victor Townley, a convict under sentence of death, now in Bethlem Hospital, and that you will favour Sir George Grey with a report of the result, and with your opinion, whether Townley is of unsound mind.

I am, &c.
(signed) *H. Waddington.*

No. 20.

Mr. *Waddington* to Dr. *Hood.*

Sir, Whitehall, 25 January 1864.

I AM directed by Secretary Sir George Grey to request that, in conjunction with Dr. Helps, Dr. Meyer, and Dr. Bucknill, you will visit and examine into the state of mind of George Victor Townley, a prisoner in Bethlem Hospital, under sentence of death, and favour Sir George Grey with a report of the result, and with your opinion as to whether Townley is now of unsound mind.

I am, &c.
(signed) *H. Waddington.*

No. 21.

REPORT.

Bethlem Royal Hospital, 28 January 1864.

We, the undersigned, having been requested by Secretary Sir George Grey to examine into the state of mind of George Victor Townley, a prisoner under sentence of death in Bethlem Hospital, and to report our opinion as to whether he is of unsound mind, report as follows:—

We

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* Similar letters were addressed to Drs. Helps and Bucknill.

We have carefully considered the copies of papers supplied to us, and on the 26th and 27th days of this month we have had two lengthened interviews with the prisoner, and the conclusion at which we have unanimously arrived is that George Victor Townley is of sound mind.

The demeanour of the prisoner during each interview was calm and self-possessed, with the exception that at the commencement of the second interview he displayed and expressed annoyance at the repeated examinations to which he was being subjected. Neither in mode of speech nor in look and conduct was there any sign of insanity observable in him.

His prompt apprehension of the purport of our questions, and the manner in which he replied to them, indicated the possession of good intellectual capacity.

The opinions which he avows, that men, as the creatures of circumstances, are not justly responsible for their actions, are opinions at which he appears to have arrived by ordinary process of reasoning.

That he knows that he is responsible for the commission of crime is made clear by his own words used to us: "I expected to be hanged because I killed her, and am not such a fool as not to know that the law hangs for murder. I did not think of it at the time, or I should not have done it."

We think that his statement that he killed Miss Goodwin to repossess himself of her as his property was an afterthought, adopted to justify his crime. He acknowledged to us that he had come to this opinion after the deed was done.

The supposition that he killed Miss Goodwin under the influence of the opinion that in so doing he was repossessing himself of her as his property is inconsistent with his own repeated statement to us, that without forethought of any kind he killed her, under the influence of sudden impulse.

He explained to us that by killing Miss Goodwin to repossess himself of her as his property, he simply meant that he took her out of the hands of his enemies, and placed her in a position where she would wait, and where he would rejoin her when he died.

The prisoner endeavoured to represent the catastrophe to us as due to the influence of sudden impulse; but the details which we elicited from him show that he used threats of murder for some time before he struck the first blow. We think that his clear memory of the events attending the crime, and also the attempts which he has made to misrepresent the state of his mind and memory at the time of these events, are evidence of his sanity.

We are of opinion that he does not entertain any delusion on the subject of a conspiracy against him, but that he uses the term "conspiracy" to express the real opposition which he has met with from the members of Miss Goodwin's family to his engagement with her, and also to express the feeling that they are hostile to him.

We have considered the evidence of hereditary predisposition to insanity given in the papers supplied to us, and our opinion of the prisoner's state of mind has not been altered thereby.

We examined the apothecary and also the chief attendant of Bethlem as to the conduct of Townley since he has been in detention at the hospital: both of them had him under daily and special observation, and they assured us that neither in conduct, manner, nor conversation, had they been able to observe in him any of the peculiarities which they are in the habit of remarking among the insane.

(signed) *W. Charles Hood, M.D.*,
Visitor of Chancery Lunatics.
John Charles Bucknill, M.D.,
Visitor of Chancery Lunatics,
John Meyer, M.D.,
Medical Superintendent of the Criminal Lunatic Asylum.
N. Helps, M.D.,
Medical Superintendent to the Royal Bethlem Hospital.

No. 22.

Mr. *Waddington* to Dr. *Hood*, Dr. *Bucknill*, Dr. *Meyer*, and Dr. *Helps*.

Gentlemen, Whitehall, 29 January 1864.

I AM directed by Secretary Sir George Grey to acknowlege the receipt of your letter reporting on the state of mind of George Victor Townley, and I am to express to you Sir George Grey's thanks for your report, and for the clear opinion on the case with which you have furnished him.

Sir George Grey requests that you will be so good as to transmit to him a certificate signed by all or by any two of you, as required by the Act 3 & 4 Vict. cap. 54, that Townley is not sane.

I am, &c.
(signed) *H. Waddington.*

No. 23.

Certificate.

Bethlem Royal Hospital, 1 February 1864.

WE, the undersigned, certify that having carefully examined the present mental state of George Victor Townley, who was admitted into this hospital under warrant dated 30 December 1863, are of opinion that he is now of sound mind.

(signed) *W. Charles Hood*, M.D.
W. Helps, M.D.

No. 24.

Lieutenant-Colonel Sir *H. Blane* to Sir *G. Grey*.

Sir, Derby, 30 January 1864.

WE beg to acknowledge the receipt of your letters of the 20th, 23d, and 25th instant, and of copies of letters from Mr. Scott, Mr. Cox, Mr. Roe, and Mr. Forman. They were yesterday laid before the Visiting Justices of the gaol and other Magistrates assembled at the County Hall, in whose name I am requested, in the absence of Mr. Mundy, to send the following reply.

The magistrates cannot refrain from saying that they have read your letter of the 20th instant with regret.

They most emphatically repudiate the supposition "that four magistrates and two medical men had, without any probable grounds, and with the wilful and deliberate intention of obstructing the course of justice, signed a certificate of Townley's insanity." The magistrates believe those gentlemen to be wholly incapable of so acting. The observation that "Townley's removal to Bethlem was effected by the expenditure of money," is shown by another part of the same paragraph to refer to an expenditure of money in obtaining the certificate by which he was removed. That was not an illegal expenditure, but the fact remains that "Townley has escaped by means accessible to the rich, but out of reach of the poor." If the Act in question had been applied, as the magistrates have themselves applied it, and in the only way in which they consider that such an Act ought to be applied by the agency of the gaol authorities, equal advantage would have been afforded to the rich and to the poor.

With reference to the entries in the "Surgeon's Journal," you have twice expressed your regret that the visiting justices wholly overlooked them for so many months, and did not discover them and send copies of them to the Secretary of State till it was too late to render them of any practical use. Now, although the visiting justices made frequent inquiries about Townley's state, they never, until after his trial, heard from any officer of the gaol a hint of Townley's insanity, nor until after the certificate of his insanity had they any special reason for examining the surgeon's journal. To say, therefore, that they had overlooked for many

many months' entries which, until the 27th December, they had no motive to look for at all, is an expression, to say the least, exceeding the occasion. As soon as they were informed of the certificate the journal was searched, and the entries found, and sent to you immediately. The magistrates do not know, nor do you point out, what practical use could previously have been made of those entries. They could not have affected the obligation which you considered yourself under to act upon the second certificate. But at the time they were sent they were of this practical use, to show the divergence of opinion respecting Townley's sanity, and to support the other reasons designed for further inquiry. If the surgeon of the gaol, who had the most frequent opportunities of seeing Townley, had considered him to be legally insane, there could not have been a more fit person to sign the certificate. He was present when it was signed.

The magistrates were aware that it is not in your power, under the law as it now stands, to direct an inquiry upon oath into the present state of Townley's mind, and, therefore, they suggested that, if the existing legal machinery was deemed unequal to the occasion, Parliament might be applied to to remedy the defect.

Your letter of the 20th instant contains the following passage:—

"You inform Sir George Grey that, in the opinion of the magistrates, Dr Goode and his coadjutors did not intend to sign a document which would be obligatory on the Secretary of State."

In this passage the statement quoted from Dr. Goode's published letter is represented as only "the opinion of the magistrates," and the quotations are omitted.

Then the letter proceeds—

"No statement which could support this opinion has ever been received by Sir George Grey from any one of the magistrates or medical men by whom either of the certificates were signed."

In the first place, the quoted statement of Dr. Goode is set forth as the opinion of the magistrates only, and then it is asserted that no statements to support that opinion have been received from any of the medical men. But a statement signed and published by one of those medical men was sent to you by the magistrates, and its effect does not depend upon the channel through which you received it.

The magistrates regret that, when you addressed inquiries to the justices who had signed the certificate, you did not extend those inquiries to the two medical men who signed them, and especially to Dr. Goode, whose important statement had been brought to your notice.

The magistrates did not need to be twice informed that you were not called upon to act upon the report of the Lunacy Commissioners alone, for they knew from you that the removal of Townley was wholly founded on the second certificate. Neither were they ignorant that a magistrate acting corruptly is amenable to punishment, nor can they understand why such a remark is thrust into a letter to them, inasmuch as they have not imputed corruption.

Dismissing these comparatively unimportant matters, the magistrates proceed to those bearing upon the merits of the case. It is not disputed that the proceedings relating to both certificates were promoted, and the certifying magistrates and medical men put in motion, by Townley's solicitor. In one of the letters, of which you have sent copies, it is stated that the form of certificate was prepared by the governor's clerk. The governor denies this, and says that the form was prepared by the clerk of Townley's solicitor.

You say that you have desired the governor of the gaol to inform you by whose authority he admitted to visit and examine the prisoners the two medical men who signed the certificate and the two borough justices who signed the first certificate.

The magistrates have, in the fifth paragraph of their letter to you of the 15th instant, informed you that the visiting justices consented to an inquiry as a preliminary inquiry only. As that information does not seem to have been satisfactory, the magistrates will now verify it by the following published documents.

In a letter of the 4th instant to Mr. Mundy, the chairman of the visiting justices, by Townley's solicitor, that gentleman says he had been informed that, "in order to *strengthen my application for the appointment of a Commission of Lunacy to examine the prisoner* (which I had previously made), it would be well to obtain a statutory certificate of local magistrates and medical men as to the state of the prisoner's mind, and having resolved to obtain it, I waited upon you on Saturday the 26th December for a visiting justice's order."

The prisoner's solicitor adds that, not being then prepared with the name of any other magistrate than Mr. W. T. Cox, a county and borough magistrate, he asked Mr. Mundy to add the words "and one or two other magistrates."

Mr. Mundy added these words to the order, meaning, of course, such magistrates as had jurisdiction within the county gaol, which the borough magistrates have not, nor ever before exercised; and under that order the two borough justices, who had been subsequently applied to by Townley's solicitor, obtained admittance to the county gaol.

At the sessions on the following day, January 5th, Mr. Mundy is reported to have said, with reference to Townley's solicitor's application, "It was urged upon me that the certificates of these local gentlemen would enable the Home Secretary to send down the Lunacy Commissioners." Dr. Goode also states that he regarded the inquiry and certificate as only preliminary; and Mr. Scott says that he did not understand the certificate as obligatory upon you. Thus the inquiry asked by Townley's solicitor, and acceded to, was asked and obtained for one purpose, and used for another.

With regard to the first certificate, the magistrates are confirmed by high legal authority in their opinion that that certificate is bad, for the two reasons alleged in their letter of the 13th January. You observe that the certificate was not a judicial act. Mr. Cox, who signed it, says that he was applied to by Townley's solicitor to make a judicial inquiry into Townley's state of mind, and did make it.

The second certificate appears also to be open to objection on the following grounds, namely:—

1. It is admitted by Dr. Goode, one of the four who signed both certificates, that the inquiry was a preliminary to obtain Government Commissioners, and that it was decided to leave to persons more conversant the task of collecting and comparing the evidence for the Secretary of State, clearly showing that he did not intend the certificate to be final or obligatory upon you.

It is stated by Mr. Scott (another of the four who signed the second certificate), that he was "unaware of its effect as regarded its obligations upon you."

The magistrates are informed by competent medical men that Mr. Harwood, who signed both certificates, was not a member of the Royal College of Surgeons, and was therefore not a surgeon, and not authorised to sign the certificate as such. If this be so, it has not been "duly certified" to you by two physicians or surgeons that Townley is insane; the foundation of your order for his removal fails, and he should be remitted to the custody from whence he has been removed. Independently of this opinion, you now have the statement of two of the four gentlemen who signed the certificate under which you felt obliged to remove Townley to Bethlem that they did not intend the certificate to have that effect. At present, therefore, Townley is withdrawn from justice by your order, founded upon a certificate which was not intended by Townley's solicitor when he asked permission to obtain it, nor by Mr. Mundy, who granted that permission, nor by two of the four gentlemen who signed it, to have that effect. The magistrates submitted to you that the certificate ought not to have an effect contrary to the avowed intention of those who signed it; but they have not been favoured with an answer. It only remains, therefore, for the magistrates to point out to you that the latter part of the clause in the Act of Parliament, through the instrumentality of which the evil has arisen, also contains the remedy. To that clause we therefore call your most serious attention, as the only means left (under the existing law) of averting the evils arising out of this unfortunate affair, and of restoring the confidence of the public in the faithful and impartial execution of the letter and spirit of the law. They therefore submit that this now rests with yourself, and on your own sole and undivided responsibility.

They

They will therefore only add that it will be very satisfactory to them, and also tend to allay public anxiety here, if you will favour them with, or publish in the "Times," copies of the reports or communications made to you by the authorities of Bethlem of the state of Townley's mind since he arrived there.

I have, &c.
(signed) *H. Seymour Blane.*
Chairman *pro-tem* of the Visiting Justices of Derby County Gaol.

No. 25.

Mr. *Waddington* to Lieutenant-Colonel Sir *H. Blane.*

Sir, Whitehall, 1 February 1864.

I AM directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 30th ultimo in reference to the case of George Victor Townley, and I am to acquaint you that as Sir George Grey's object in replying to the former letters addressed to him on behalf of certain magistrates of the county of Derby was not to enter into controversy with them, but to afford them the fullest information as to the course taken by the Secretary of State in Townley's case, and the reasons for taking it, he thinks it sufficient, in reply to the letter addressed to him by you as temporary chairman of the visiting justices of Derby County Gaol, to refer you to a letter of this day's date, addressed by his direction to the chairman of the quarter sessions, and to the chairman of the visiting justices, before the receipt of your letter of the 30th ultimo.

I am, &c.
(signed) *H. Waddington.*

No. 26.

Mr. *Waddington* to Messrs. *Evans & Mundy.*

Gentlemen, Whitehall, 1 February 1864.

I AM directed by Secretary Sir George Grey, with reference to previous correspondence with you as to the case of George Victor Townley, to inform you that, with the concurrence of the Lord Chancellor, he requested Mr. C. Hood and Dr. J. C. Bucknill, visitors of Chancery lunatics, together with Dr. Meyer, the medical superintendent of the Criminal Lunatic Asylum at Broadmoor, and Dr. Helps, the medical superintendent of Bethlem Hospital, to examine into Townley's state of mind, and to report to him their opinion thereupon.

Sir George Grey has received from these gentlemen a report, a copy of which is herewith transmitted to you.

While the letters, copies of which were sent to you on the 23rd and 25th ultimo, from the magistrates who signed the certificates of Townley's insanity, leave no reason for doubting that they were convinced of his insanity at the time when the certificates were signed by them, the present report from four medical gentlemen of great experience in mental diseases, appears to Sir George Grey to be conclusive as to Townley's being of sound mind.

A certificate to that effect, as required by the Act 3 and 4 Vict., c. 54, has since been received by the Secretary of State.

I am further to inform you that, taking all the circumstances of the cases into consideration, Her Majesty's Government are of opinion that it would not be right that the capital sentence should now be carried into effect, but that it ought to be commuted to penal servitude for life. This course has therefore been taken, and the prisoner will be dealt with accordingly.

I am to add, that it is the intention of Her Majesty's Government to propose an amendment of the Act under which the certificates in this case were granted.

I am, &c.
(signed) *H. Waddington.*

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No. 27.

Mr. *Evans*, M.P., to Mr. *Waddington*.

Sir, Allestree Hall, Derby, 2 February 1864.

I BEG to acknowledge the receipt of your letter of the 1st instant, inclosing the report of four medical men appointed by Sir G. Grey to examine into the mental condition of G V. Townley, and announcing the commutation of his sentence to penal servitude for life. I may be permitted to say that I have read these papers with great satisfaction

Yours, &c.
(signed) *T. W. Evans.*

No. 28.

Warrant for the removal of *George Victor Townley* to the Pentonville Prison.

The Right Honourable Sir *George Grey*, Bart., one of Her Majesty's Most Honourable Privy Council, and Principal Secretary of State, &c., &c., &c.

WHEREAS I did by warrant under my hand bearing date the 30th day of December 1863, order and direct that George Victor Townley, who was then under sentence of death for the crime of murder, of which he had been convicted in due form of law, and was certified to me to be insane, should be removed to the Criminal Lunatic Asylum in St. George's Fields, in the county of Surrey. And whereas it has been certified to me that the said George Victor Townley is now of sound mind. And whereas Her Majesty has been graciously pleased to commute his sentence of death to penal servitude for life. I do hereby authorise and require you to cause the said George Victor Townley to be removed from the said Lunatic Asylum to Pentonville Prison, there to remain under his said commuted sentence until further order shall be made herein. And for so doing this shall be your warrant.

Given at Whitehall, 2d of February 1864, in the twenty-seventh year of Her Majesty's reign.

(signed) *G. Grey.*

To the Right Worshipful the President and Treasurer and the Worshipful the Governors of Bethlem Hospital, and all others whom it may concern.

No. 29.

Sir *G. Grey* to the Governor of Pentonville Prison.

Sir, Whitehall, 2 February 1864.

I AM to desire and do hereby authorise you to receive into the Pentonville Prison the prisoner named in the margin, who will be sent to you from the Criminal Lunatic Asylum in St. George's Fields.

I am, &c.
(signed) *G. Grey.*